

LAWS OF NORTH CAROLINA, 1779.

At a General Assembly, begun and held at Smithfield on the third day of May, in the year of our Lord, 1779, and in the third year of the independence of the said state: Being the first session of this assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act for raising regular forces for the defense of this and the neighboring states, and for other purposes.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That any ten of the militia, who shall, on or before the 1st day of July next, enlist one able bodied man into the continental service for the space of eighteen months, or a longer period, they shall during the time of such enlistment be cleared from all military duties or drafts whatsoever, except when this state shall be invaded, or in case of domestic insurrection; but to intitle themselves to this exemption, they shall by their own oaths, and likewise by the oath of an indifferent person, prove such enlistment to have been bona fide made, agreeable to the true intent and meaning of this act, and shall likewise produce on oath from the colonel or commanding officer of any county within this state, a receipt for such soldier to him actually delivered; which requisites being performed, the field officers of the county in which they reside are hereby ordered and directed to grant them a discharge, under the penalty of forfeiting one thousand pounds each for every refusal, to be recovered in any court of record having cognizance thereof by the parties grieved, and applied to their own use; And the field officers of any county within this state, who shall grant a discharge to any person or persons contrary to the directions of this act, shall forfeit five hundred pounds each for every offence, to be recovered by any person suing for the same, and applied to his own use; and each of them shall be for ever after incapable of holding any office, either civil or military, within this state.

II. And be it further enacted, by the authority aforesaid, That the colonel or commanding officer of any county to whom such enlisted soldiers shall be delivered over, shall cause such soldiers to be marched to a place of rendezvous within the county in which such officer shall command; and the governor of this state is hereby impowered and directed to appoint such place of rendezvous, and to direct one or more officers of such regular troops to give attendance and receive such recruits.

III. And be it further enacted, by the authority aforesaid, That the captain of each respective company, or any other person or persons by him or them authorized, shall have full power and authority, and are hereby expressly required and commanded, to apprehend and secure every person of the nine months regulars, as also of the three months militia, or any other deserter from the regular service, who have deserted or refused to march in either of the services aforesaid, which they shall know to be lurking within the limits of their command or elsewhere, and shall for that purpose take to his or their assistance so many of their company as he or they shall think

necessary; and every person who shall refuse or neglect, when called upon, to aid and assist in apprehending such deserter or delinquent, for every such offence shall forfeit the sum of fifty pounds, to be recovered by warrant under the hand of the commanding officer, and applied to the use of the county.

IV. And be it further enacted, by the authority aforesaid, That in case two thousand men should not be raised agreeable to this act before the first day of July next, that then, and in that case, the governor, with the advice of the council, shall be impowered to embody a number of militia equal to the deficiency; and such deficiency shall be made up from all the counties of the state, proportionately to the numbers which they shall have furnished by inlistment under this act, and with a respect to the number of which they may be delinquent of their respective portions of the whole two thousand.

V. And be it further enacted, by the authority aforesaid, That the militia so to be embodied shall be intitled to the same pay, bounty and rations, as the militia now in service in the Southern states, and shall be subject to perform the same duty, and serve the same space of time, and subject to the like rules and regulations; and all drafts which may be made shall be agreeable to the militia law, and the practice heretofore had under it.

VI. And be it further enacted, by the authority aforesaid, That all soldiers inlisted by virtue of this law shall be subject to the articles of war which are binding upon the continental army, and shall incur similar pains and penalties for similar offences; and every soldier inlisting shall sign articles of inlistment, agreeable to the continental regulation.

CHAPTER II.

An Act for emitting money for defraying the expences of the war, and for other purposes.

I. Whereas this state has incurred debts by raising men to reinforce the battalions thereunto belonging in the army of the United States, upon the particular requisition of Congress, for the payment of which debts the public faith stands pledged, and that a further sum should be emitted to carry on the operations of the war;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That one half of a million of pounds be emitted on the faith and credit of this state, in bills of the following denominations, that is to say, One thousand bills of two hundred and fifty dollars each, one thousand bills of one hundred dollars, two thousand bills of fifty dollars each, twelve thousand bills of twenty five dollars each, ten thousand bills of twenty dollars, twenty thousand bills of ten dollars each and twenty thousand bills of five dollars each; that the same be printed in a printing press, and that Henry Rhodes, Daniel Grant, and Memucan Hunt, be appointed commissioners to superintend the printing the same, and that Thomas Person and John Hunt be commissioners to receive the same when printed and numbered, to sign the same, and pay it into the hands of the public treasurers.

III. And be it further enacted, by the authority aforesaid, That the general form of the bills hereby emitted shall be as follows, to wit. State of North Carolina. This bill entitles the bearer to receive _____ Spanish milled dollars, or the value thereof in gold or silver, agreeable to an act of assembly passed at Smithfield the fifteenth day of May, one thousand seven

hundred and seventy nine. And such bills shall be impressed and printed both in the face and reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices, and words, which may be difficult of imitation, and which in the opinion of the said superintendents of the press may most effectually secure the same from attempts to counterfeit.

IV. And be it also enacted, by the authority aforesaid, That every dollar of the emission aforesaid shall be held and deemed equal to eight shillings proclamation money, and shall pass current at the same, and be a lawful tender in all payments and contracts within this state; any law, usage or custom, to the contrary, notwithstanding.

V. And be it further enacted, by the authority aforesaid, That the superintendents shall deliver to the signers a sum, not exceeding one hundred thousand pounds at one time, taking a receipt for the numbers, from the lowest to the highest inclusive, and shall deliver no more to the said signers until a receipt shall be produced from some one or more of the public treasurers for the same number duly signed.

VI. And be it also enacted, by the authority aforesaid, That every commissioner appointed by this act to superintend, number, and to sign and pay the said bills of credit to the public treasurers, shall take an oath well and truly to execute the duties and discharge the trust by this act required; and each and every commissioner shall enter into bond to the governor, with sufficient security, to be by him approved, in the sum of two hundred thousand pounds, for the due performance of the duties and trust by this act required.

VII. And be it further enacted, by the authority aforesaid, That each and every commissioner for superintending and numbering the said bills of credit shall have and receive five hundred pounds each, and the commissioners for signing and paying the same to the public treasurers shall have and receive ten dollars for every thousand bills which they shall respectively sign, over and above the expense of paper and printing.

VIII. And be it also enacted, by the authority aforesaid, That the commissioners for superintending the said bills of credit shall be empowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the public treasurers, or either of them, for the monies necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the said treasurers public accounts.

IX. And be it further enacted, by the authority aforesaid, That the commissioners herein before appointed for superintending the press, and signing the money, shall meet at Kingston on the tenth day of June next, to consult and agree upon measures for procuring paper, and carrying this act into execution; and that the said commissioners shall begin to print and sign the said bills of credit to be by this act emitted, on or before the tenth day of July next.

X. And be it also enacted, by the authority aforesaid, That whosoever shall by printing, writing, engraving, or by any other ways or means, counterfeit, or attempt to counterfeit, any of the said bills of credit by this act, or any former act, directed to be emitted, or any of the bills of credit of the United States, or any of them; or loan office certificates, or any part, word, letter, name, emblem, or device of the same; or shall make or construct any die, press, type, or other instrument, for imitating or counterfeiting any of the said bills, or any part, word, letter, name, emblem, or device thereof, except by authority of law, or in case where such may be seized in order to bring suspected persons to justice; or shall alter or deface any of the said bills, with intention to change the value or denomination thereof; or shall know-

ingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted, by confession or verdict, or on arraignment or trial shall stand mute, or challenge peremptorily more than thirty five jury-men, every such person shall receive judgment of death without benefit of clergy, and shall suffer as in cases of felony.

XI. And be it further enacted, by the authority aforesaid, That where it shall appear by due proof, to the satisfaction of a jury, that any person has printed, written, stamped, or by any ways or means made any bill or bills in the likeness of any of the bills of credit by this or any former act emitted, or any loan office certificates, or any of the bills of credit of the United States, or any of them, or any part of the same, although such bill, bills or certificates, cannot be produced in evidence, it shall be held and deemed sufficient testimony to convict such person of counterfeiting under this act; any law, usage or custom, to the contrary, notwithstanding.

XII. And be it also enacted, by the authority aforesaid, That if any commissioner appointed by this act to sign the said bills of credit, or to superintend and number the same, shall die, refuse to act, or resign, remove, or become disabled or disqualified, it shall and may be lawful for the governor to appoint one in his stead; and such commissioner shall give bond, and be subject to the same rules and regulations, as commissioners appointed by this act.

XIII. And be it further enacted, by the authority aforesaid, That previous to the superintendents entering upon the business of printing the said bills of credit by this act directed to be emitted, they shall take an oath to break and destroy the types, in such manner as to prevent any frauds or impositions.

XIV. And be it further enacted, by the authority aforesaid, That the public treasurers of this state, or some one of them, shall, and they are hereby directed, to attend at the place where the aforesaid money shall be struck, to receive the same from the signers.

XV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the governor, with the advice of the council of state, to order any number of the militia, not exceeding two thousand men, to be embodied agreeable to the directions of the militia act, and marched to the assistance of the commonwealth of Virginia, if the same should be invaded by the British forces, or to the state of South Carolina, if from the operations of the British troops in that state it shall appear that this state is in apparent danger of becoming the seat of war.

XVI. Provided, That the militia so marched either to Virginia or South Carolina, shall not be compelled to continue in the service longer than three months from the time of passing the limits of this state, and shall be allowed the same pay and bounty as by law allowed to the militia of this state now in the service of South Carolina.

CHAPTER III.

An Act to amend an Act, intituled, An Act for levying a tax for defraying the contingencies of the several counties in this state, and other purposes.

I. Whereas it is found by experience that the tax of one shilling only on every hundred pounds value of taxable property in this state levied by the said act, is far inadequate to the purposes aforesaid;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the future an annual tax, not exceeding five shillings on every hundred pounds value of taxable property in this state, be levied for the purposes aforesaid, which value shall be assessed, and tax collected, in the same manner, and under the like rules, regulations, restrictions and allowances, as made and directed in levying and collecting public taxes; and the sheriffs for each respective county in this state are hereby ordered and required to collect the aforesaid tax, or so much thereof as the county court in each respective county shall order and direct, and pay the same into the hands of the trustee on or before the first day of April annually.

III. And be it further enacted, by the authority aforesaid, That every free-man in this state of the age of twenty one years and upwards (other than soldiers in the service of the continent, or of this state) who shall not possess the value of four hundred pounds in taxable property, shall pay annually, in lieu of assessment on property, a poll-tax equal to the tax that year on four hundred pounds, which shall be collected and accounted for as other taxes mentioned in this act. Provided nevertheless, That married men who are not possessed of one hundred pounds taxable property, shall pay annually, in lieu of assessment, a poll-tax equal to the tax for that year of one hundred pounds only.

IV. And be it further enacted, That so much of the before recited act, as comes within the purview and meaning of this act, is hereby repealed and made void.

V. And be it enacted by the authority aforesaid, That it shall and may be lawful for the entry taker of Bute county, when the same stood undivided, to issue warrants for all lands in Warren county, which have been entered with the said entry taker before the division of Bute county.

VI. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the late surveyor of Bute or Warren county, as it stood undivided, to survey all lands which were entered with the entry taker of said county before the division thereof, in that part which is now called Warren, and shall be intitled to the same fees as other surveyors in this state.

VII. And be it enacted, by the authority aforesaid, That from and after the passing of this act the several county surveyors in this state shall have and receive for every survey of three hundred acres of land or upwards by them hereafter made, the sum of twelve dollars and a half, and for every survey made under three hundred acres, seven dollars and a half, current money, and no more; any law to the contrary, notwithstanding.

VIII. And whereas the fines on persons for neglect or refusal to work on public roads are found too small by far: For remedy whereof, Be it further enacted, by the authority aforesaid, That if any person or persons, who are not exempted from working on public roads, shall after the passing of this act neglect or refuse to work on any road which he is bound by the court to do, after having legal notice thereof, he shall forfeit and pay for every hand he or she shall neglect to send (inability or unavoidable accident excepted) the sum of forty shillings, to be recovered as fines of the like nature heretofore were recovered; any law, usage, or custom, to the contrary, notwithstanding.

CHAPTER IV.

An Act for allowing salaries to the Governor, members of the Council of State, and for other purposes.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be paid to his excellency the governor the annual sum of six thousand pounds in full for his services as governor of this state. That each of the members of the council of state shall be allowed for each day they shall be on duty as councillors of this state eight pounds. That each of the public treasurers be allowed the annual sum of one thousand pounds for their services as treasurers. That the secretary be allowed the annual sum of two thousand five hundred pounds for his public services as secretary of this state, exclusive of the fees granted him by an act of assembly, entitled, 'An Act for establishing offices for receiving entries of claims for lands in the several counties of this state, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned.' That each of the delegates from this state in the continental congress be allowed at the rate of five thousand pounds per year for the time they shall be on duty. That each of the judges of the superior courts of law be allowed three hundred and fifty pounds for each court they shall attend. That the attorney general be allowed at the rate of two hundred and fifty pounds for each court at which he shall attend. That the public printer be allowed the annual sum of two thousand five hundred pounds, provided that he does within four months from the time next after which he may be furnished with a fair copy of the journals of each respective session of assembly, print and deliver to the clerk of the different counties one copy of the acts for each justice of the peace in each respective county, one for the sheriff, one for the clerk of the county, and one, together with a copy of the journals, for each member of the assembly in each respective county. Which allowances shall commence from the time of their appointments this session of general assembly respectively.

II. And be it further enacted by the authority aforesaid, That from and after the passing this act there shall be six treasurers in this state; one in each of the districts of Wilmington, New Bern, Edenton, Halifax, Hillsborough and Salisbury; and that each of the said treasurers shall enter into bond with sufficient security to the governor or commander in chief for the time being in the sum of five hundred thousand pounds each for their faithful discharge of the said offices previous to their entering upon the execution thereof.

III. And be it enacted by the authority aforesaid, That the respective county courts in this state shall appoint persons of probity and skill in the law to execute the office of attorney for the state therein, and allow for each court he may attend (exclusive of the fees allowed by law) the sum of twenty five pounds, to be paid out of the county tax.

IV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the first day of April next, and from thence to the end of the next session of the assembly.

CHAPTER V.

✓ An Act for amending an Act for making provision for the poor, and for other purposes.

I. Whereas by an act, intituled, an act for making provision for the poor, and for other purposes; the overseers of the poor are restricted from laying a greater tax than six pence in the hundred pounds, which sum is found to be much too small to answer the purposes intended by the said act.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the overseers of the poor to lay a tax not exceeding the sum of one shilling and six pence on each and every hundred pounds value of all the taxable property in their respective counties. And that every freeman of the age of twenty one years and upwards, other than soldiers in the service of the continent or of this state, who shall not possess the value of four hundred pounds in taxable property, shall pay annually in lieu of assessment on property, a poll-tax equal to the tax for that year on four hundred pounds taxable property: Provided nevertheless, That married men who are not possessed of one hundred pounds taxable property, shall pay annually in lieu of assessment a poll tax equal to the tax for that year on one hundred pounds, which shall be collected and accounted for in manner as directed by the before recited act.

III. And whereas several counties in this state have hitherto failed, and new counties have not been authorized, to elect overseers of the poor, Be it enacted by the authority aforesaid, That the sheriffs in such counties respectively shall, as soon as may be after the passing of this act, appoint a time for holding elections of the overseers of the poor, giving due notice agreeable to the act above mentioned; and such elections shall be good and valid. And the overseers, when elected, shall have the same powers and authorities and be subject to the same pains and penalties as other overseers of the poor in this state.

IV. And whereas the courts in Montgomery county are held on the same days as the courts of Anson county, which is attended with many inconveniences; to prevent which, Be it further enacted, That in future the courts for the county of Montgomery shall be held on the last Monday of June, September, December and March, any law, usage or custom, to the contrary, notwithstanding.

V. And be it further enacted, That the following persons, to wit, James Martin, John Pesleys and William Dent, be added to the commissioners appointed to run the dividing line between the counties of Guilford and Randolph.

VI. And whereas, by an Act, intituled, an act concerning servants and slaves, it is enacted, That no slave shall be permitted, on any pretence whatsoever, to raise any horses, cattle, hogs or sheep; Be it therefore enacted by the authority aforesaid, That all horses, cattle, hogs or sheep, that, one month after the passing this act, shall belong to any slave, or be of any slave's mark, in this state, shall be seized and sold by the county wardens, and by them applied, the one half to the support of the poor of the county, and the other half to the informer.

VII. And be it further enacted by the authority aforesaid, That when any citizen of this state is absent on service as a militia man, and is thereby rendered incapable of labour, or whose family is unable to support themselves during his absence or inability, the court of overseers to which he

belongs, on application, shall make him or them such allowance as they think reasonable out of their tax towards the maintenance and support of such man or family, and an account of such expenditures shall be allowed in their settlement with the county.

VIII. And be it further enacted by the authority aforesaid, That so much of the above recited act as comes within the perview of this is hereby repealed and made void.

Read three times, and ratified in general assembly, the 10th of May, 1779.

Signed by

ALLEN JONES, S. S.

THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1779.

At a General Assembly, begun and held at Halifax on the eighteenth day of October, in the year of our Lord one thousand seven hundred and seventy-nine, and in the fourth year of the independence of the said state: Being the second session of this Assembly. *Richard Caswell, Esq., Governor.*

CHAPTER I.

An act for sending an aid to the states of South Carolina and Georgia, and for other purposes.

I. Whereas, on the representation of the State of South Carolina, it appears absolutely necessary that an aid should be sent from this state to the aid of that and the state of Georgia;

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the Governor, with the advice of the Council of State, to order any number of the militia, not exceeding three thousand men, including such drafts as have been made, and are yet to be made, from the respective counties of this state, pursuant to an act passed at Smithfield, intituled, "An act for raising regular forces for the defense of this and the neighbouring states, and for other purposes," to march on with all possible expedition to the defence of the said states of South Carolina and Georgia, to be intituled to the same pay, bounty, and rations, and perform the same duty, and be subject to the same rules and regulations, as the militia late in the service of the southern states, and shall serve three months after passing the limits of this state, agreeable to the militia law; and that the drafts for making up the additional number of militia for this aid, be under the rules and regulations of the militia law now in force.

III. And whereas, many militia officers have, in consequence of the late Act of Assembly passed at Smithfield, or any former Act or resolution of Congress in this State hired substitutes in the continental service, whereby the said officers are discharged from all military duty, except in particular cases, although it was never their intention to withdraw themselves from the service of their country in their respective ranks; Be it therefore enacted, that whoever shall accept hereafter of a commission, or continue to act under any former commission in the militia, such person or persons shall be, and they are hereby declared to be liable to the same rules, regulations and penalties, as any other militia officer, and to have no exemption on account of any substitute; any law to the contrary notwithstanding.

CHAPTER II.

An Act to carry into effect an Act passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, intituled, An Act for confiscating the property of all such persons as are inimical to this or the United States, and of such persons as shall not within a certain time therein mentioned appear and submit to the State whether they shall be received as citizens thereof, and of such persons who shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned, and for other purposes.

I. Whereas, it is enacted by the Act aforesaid, passed at New Bern in November, one thousand seven hundred and seventy-seven, that all the lands, tenements, hereditaments, and movable property, within this State, and all and every right, title, and interest therein, of which any person was seized or possessed, or to which any person had title, on the fourth day of July, in the year one thousand seven hundred and seventy-six, who on the said day was absent from this State, and every part of the United States, or who has withdrawn himself from this or any of the United States, after the day aforesaid, and still resides beyond the limits of the United States, shall and are hereby declared to be confiscated to the use of this State, unless such person shall at the then next General Assembly which shall be held after the first day of October, in the year one thousand seven hundred and seventy-eight, appear, and be admitted to the privilege of a citizen of this State, and restored to the possessions and property which to him once belonged within the same: And whereas, divers persons, who come within the descriptions of the aforesaid Act recited, have failed or neglected to appear before the said General Assembly as last mentioned, or at any General Assembly since, and submit to the State whether they shall be admitted as citizens thereof, and restored to the possessions which to them once belonged, whereby such certain persons herein after mentioned have clearly incurred and become liable to the penalties of the aforesaid first recited Act:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all the lands, tenements, hereditaments, and personal property within this State of William Tryon and Josiah Martin, Esquires, Sir Nathaniel Duckinfield, Henry Eustace McCulloch, Henry McCulloch, Samuel Cornell, and Edmund Fanning, Thomas Macknight, late of Currituck county, James Parker, William McCormack, John Dunlap, Neal Snodgrass, and John Lancaster, late of Pasquotank county, James Green, mariner, and John Alexander, late of Craven, Thomas Oldham, late of Chowan, Thomas Christie, of the kingdom of Ireland, Frederick Gregg, late of New Hanover, Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton, Archibald Hamilton, late of Halifax, George Alston, late of Granville, Michael Wallace, John Wallace, late merchants of Virginia, William Field, John Field, Junior, and Robert Turner, late of Guilford, John Moore, late of Tryon, James Roberts, late of Surry, George Miller, late of Dobbs county, James Cotten, Walter Cunningham, Samuel Williams, late of Anson, Samuel Bryan, William Spergen, Matthias Sappinfield, late of Rowan, William McClellan, late of Edgecomb, Messieurs. Dinwiddie, Crawford and Company, late of Bute County, Robert Palmer, late of Beaufort, Edward Brice Dobbs, Ralph McNair, John McNair, Joseph Field, James McMeil, Archibald McCoy, Alexander McCay, Neil McArthur, John Leggett, John McCloud, Colin Shaw, William Campbell, James Gamble and Company, Thomas Rutherford, William Rose,

Alexander McCoy, Messieurs Waller and Bridgen, merchants in London, Alexander McAulen, late of New Bern, Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville county, Francis Williamson, late of Currituck county, Chancey Townsend, Doctor Tucker, late of Wilmington, and Buchanan, Hastie and Company, and all others who come within the meaning of the confiscation and this Act, and all and every, the right title and interest, which all, or each of the persons aforesaid, may have had therein on the said fourth day of July, one thousand seven hundred and seventy-six or at any time since, shall be and are, hereby declared to be confiscated, fully and absolutely forfeited to this State, and shall be vested in the hands of commissioners as in this Act directed to be appointed, for the purposes herein after mentioned.

III. And be it further Enacted by the authority aforesaid, that commissioners shall be appointed by the county court in each county, who shall severally give bond, with three or more sureties, in the sum of one hundred thousand pounds at least, and not exceeding five hundred thousand pounds, at the discretion of the county court, to the Governor for the time being, for the use of the State, for the faithful discharge of their duty according to law; and shall also take the following oath, previous to entering on their office:

I, A. B. do swear, that I will faithfully discharge the trust reposed in me as a commissioner, to the best of my knowledge, according to law; and that I will fully account for all money or effects that shall come to my hands, in consequence of my appointment, as the law directs. So help me God.

And the said commissioners in their respective counties shall have full power and authority to take possession of all lands, tenements, hereditaments, monies, debts, whether due by judgment, bond, bill, note, account, or otherwise, and all other personal property of the persons aforesaid, in the name, and for the use of the State, which by this Act are declared to be forfeited to the State, and shall give receipts or discharges, which shall for ever indemnify and acquit the persons delivering or paying the same, their heirs, executors, and administrators, against any future claim for the articles or money mentioned in such receipt or discharges.

IV. And be it further enacted by the authority aforesaid, that all persons who owe any sterling debt to any person or persons described in the confiscation Act or in this Act, whose property is thereby confiscated, shall pay in lieu of every hundred pounds sterling, the sum of one hundred and seventy-five pounds current money of North Carolina.

V. And in order to discover all the property, real and personal, of the persons aforesaid, by this Act declared to be forfeited, Be it enacted by the authority aforesaid, that the said commissioners shall and may order the several constables to summon any of the inhabitants in their respective counties to appear before them at convenient times and places, to give in on oath an account of such forfeited property, when they, or a majority of them being present, shall administer the following oath or affirmation to the inhabitants so appearing:

I, A. B. do swear or affirm, that the account by me rendered contains a full and true account, to the best of my knowledge, of all the lands, tenements, hereditaments, debts, monies, and all personal property in the county of _____ or elsewhere, which belonged on the fourth day of July, one thousand seven hundred and seventy-six, to any of the before mentioned person or persons, or at any time since, who come within, or are included by the description, or either of them, recited in this Act, or the confiscation

Act, passed at New Bern in the year one thousand seven hundred and seventy-seven, and have not disposed of or parted with the same, or any part thereof, to elude or evade the intent and meaning of the confiscation or this Act; and further, that the said account contains to the best of my recollection, the full amount of all and every sum or sums of money which now are by me due and owing to any such person or persons, including interest (if any) by bond, note, or account, or by virtue of any trust whatever. So help me God.

And if any person summoned as aforesaid shall fail to appear, or appearing, shall fail to render an account as above mentioned, on oath or affirmation, as the case may be, in such case the said commissioners, or any two of them, shall have power to commit such person, if present, to close gaol, until he or she shall comply with the law, and if absent, shall issue a warrant directed to any sheriff or constable, to apprehend and bring such absent person before them at any place on a future day, when if he or she shall refuse to render an account on oath as aforesaid, he or she shall also be committed to close gaol, until he or she shall render an account on oath or affirmation as aforesaid; and the said commissioners are hereby invested with power to administer the oath, issue warrants, and make commitments, in manner aforesaid.

VI. And be it further enacted by the authority aforesaid, that the county court shall have the same power to require and compel the oath aforementioned from the commissioners themselves, which the commissioners have respecting others; and the commissioners shall account for any money, or other effects, declared forfeited by this Act, due by them, or in their possession, in the same manner as in other cases.

VII. And be it further enacted by the authority aforesaid, that the said commissioners shall enter in a book to be kept for that purpose all such lands, tenements, hereditaments, and personal property, of the persons aforesaid, forfeited by this or any other act, which shall come to their knowledge or possession in their respective counties, together with the names of said former owners, and also whether the same, or any part thereof, be claimed by any subject of this State, or any of the United States, and shall specify all sums of money which are or shall be due or owing by any inhabitant or inhabitants within said county to any of the before mentioned persons, or his or their former creditors, together with the names of such debtor and former creditor as aforesaid, and shall make report of their proceedings to every county court which shall be held in their counties respectively; and the several county courts shall and may have power to fill vacancies occasioned by death, refusal, or removal out of the county; provided that there shall not be less than seven justices present at the appointment of any commissioner: And the said commissioners shall, and are hereby authorized and required, to sell all and every the lands, tenements, hereditaments, and personal property, of the persons aforesaid by way of public auction, at the court-house of the county wherein the said estate shall be, in the time of sessions, advertising the same in the Virginia and South Carolina Gazettes one month at least previous thereto, and in the most public places of the county, in such quantities as the said commissioners shall think best, so that no tract exceed more than six hundred and forty acres, to be laid out by a surveyor for that purpose appointed by the commissioners, one half the purchase money to be paid down to the said commissioners, and for the other half they shall take bond, with sufficient security, payable in six months, to the Governor or commander in chief

for the time being for the use and benefit of the same; and any two of the said commissioners are hereby vested with full power and authority to execute to the purchaser or purchasers as aforesaid a deed of bargain and sale, or other conveyance in law, for such tract or tracts of land, purchased as aforesaid, which shall be good and valid in law to convey the fee of the same to the purchaser or purchasers, his heirs and assigns, for ever; any law to the contrary notwithstanding.

VIII. Provided, that if it shall appear to the county court that any person, being a subject of this or any of the United States, hath, or pretends to have, any right or title in law to any lands, tenements, hereditaments, monies, debts, or personal property, of any of the said persons declared forfeited by this Act, such court shall pay all further proceedings of the commissioners thereupon, and shall send up a true and exact state of such claim to the superior court of the district, which superior court shall proceed to inquire into and determine the legal right and title of the person so claiming, by jury, in the same manner as in suits of common law, and such determination when had shall be final; and the clerk of the superior court shall transmit a copy thereof to the county court wherein the dispute originated, which shall proceed according to such determination.

IX. Provided also, that if any real or personal estate belonging to any orphan, or other person, not comprehended or included by the descriptions in the act afore mentioned, or either of them, shall be sold by virtue of this act, such orphan or other person, notwithstanding, he, she or they, shall have failed or neglected to exhibit such claim to the county court previous to the sale, shall on due and sufficient proof made before the General Assembly, be intitled to receive the whole amount of the sale, with six per centum interest thereon.

X. And provided likewise, that all persons being subjects of this State, or of any of the United States, and having just claims or demands against any estate or estates declared forfeited by this Act, and actually sold or converted to the use of the State in consequence thereof, shall upon due proof made before the General Assembly be entitled to receive their several demands, if the sales of such estate be sufficient, but if not, shall receive in proportion to their several demands.

XI. And be it further enacted by the authority aforesaid, that the commissioners in their respective counties shall have the same powers and authorities to demand, make distress for, and receive, all sums of money due and owing by the inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same pains, penalties and restrictions, and shall account with the public treasurers for the same, and also for all money arising from the sales of lands, or sales of personal property, as in this Act directed, at the same times, and in the same manner, as sheriffs or county treasurers have or are liable to by law for the collecting and accounting for public taxes, and shall have and receive for their services at the rate of two per cent. each.

XII. And be it further enacted by the authority aforesaid, that all entries already made, or which shall hereafter be made, of any lands, tenements, or hereditaments, of the persons aforesaid, which come within the meaning of the confiscation act, passed at New Bern in November, one thousand seven hundred and seventy-seven, or of this act, shall be utterly void and of none effect. Provided, that nothing contained in this act shall be construed to invalidate or repeal any part of an act passed during the session of General Assembly at Halifax in January and February, one thousand seven

hundred and seventy-nine, entitled, An act to enable the inhabitants of a tract of land lying in Mecklenburg county, known by the name of Governor Dobbs's tract, number five, to make entries thereof, and obtain titles for the same. Provided, that nothing contained herein, or in the said confiscation Act, shall be construed to repeal an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes, or any part thereof, but that the same is and shall be in full force; and that all the proceedings that have been, or shall hereafter be conducted according to the directions of the said act, as to the lands therein mentioned are hereby declared good and valid; any law, custom, or usage, to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, that the clerk of each and every county court shall transmit to the General Assembly a complete transcript of the report or reports of the commissioners in their respective counties, and of the proceedings of such court thereupon, under the penalty of five hundred pounds; to be recovered by action of debt, in the name of the Governor for the time being, to be applied to the use of the State.

XIV. And whereas many persons who heretofore refused to take the oath of allegiance to this State, and were compelled to leave the same in consequence thereof, by virtue of an act of Assembly, passed at New Bern in April, in the year one thousand seven hundred and seventy-seven, entitled, An Act for declaring what crimes and practices against the State shall be treason, and what shall be misprison of treason, and providing punishments adequate to crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the State, and of another act passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, to amend the aforesaid act, have failed or neglected to sell and convey their real estates agreeable to the said Act, and to appoint lawful agents or attorneys to receive and give discharges for debts due and owing by the inhabitants of this State to persons who so departed therefrom, whereby many lands of the persons last described are yet undisposed of, and still continue to be and remain to the use of the same, and many well meaning people are defeated of an opportunity to discharge such debts due as aforesaid; Be it therefore enacted, by the authority aforesaid, that all such lands of the persons described in the said last recited Acts, which have not been sold and disposed of bona fide for a valuable consideration actually paid, and all debts, money, and personal property, belonging to the same, not yet collected and appropriated according to the directions of said acts, shall be, and hereby declared to be confiscated to this State, and the commissioners aforesaid are hereby directed to proceed on such real and personal estates in like manner as on the estates of the persons first mentioned in this Act; any thing contained in the said last recited Act to the contrary, notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the surveyor appointed by the commissioners to run out any of said lands shall be entitled to receive eight pounds for each tract of six hundred and forty acres, and so in proportion for a less quantity of land they shall be ordered to run out.

XVI. And be it further enacted by the authority aforesaid, that an Act passed at Halifax in January, one thousand seven hundred and seventy-nine intituled, An Act to carry into effect an act passed at New Bern, in the year

one thousand seven hundred and seventy-seven, For confiscating the property of such persons as are inimical to this State or the United States, and of such persons as shall not within a certain time therein mentioned appear and submit to the State whether they shall be received as citizens thereof, and of such persons who shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned, and for other purposes, and every clause of the said first recited act, shall be, and is hereby repealed and made void; any law to the contrary notwithstanding.

XVII. Provided nevertheless, that the wife or widow of any of the persons aforesaid, who hath been, and now is residing within this State, shall not be debarred from her right of dower in and to her husband's lands, but shall be intitled to one third thereof for and during her natural life, to be laid off by the commissioners in the same manner as lands in dower are by the common law; and that a proper subsistence out of the sales of said husband's estate shall be allowed to the wife or widow aforesaid, for the maintenance of herself, and such children, being minors, who are now residents of this State, as the General Assembly shall direct.

XVIII. Provided nevertheless, that nothing herein contained shall be construed to empower the commissioners appointed by virtue of this act to take into their possession any household furniture or provisions belonging to the aged parents, wives, children, or widows, of any person whose estate is confiscated by virtue of this or any other act passed in this State.

XIX. Provided nevertheless, that the commissioners appointed according to the directions of the aforesaid Act passed in January, one thousand seven hundred and seventy-nine, who have done, performed and executed, any of the trusts reposed in them by the said Act, shall be accountable to the treasurer of the district for all such sum or sums of money by them so received, as the commissioners by this Act are liable to, and required to be.

XX. And be it further enacted by the authority aforesaid, That if any recovery shall be had hereafter against any person for any sum or sums of money by him or her paid in consequence of this Act, the State shall fully and amply, on sufficient proof made to the General Assembly, pay and satisfy to such person all monies so recovered, together with all damages which may thence accrue, whether arising from delay, imprisonment, or otherwise.

CHAPTER III.

An Act to prevent hunting in the night time with gun and fire light, and other purposes therein mentioned.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, if any free person or persons shall be found hunting in the night, except on his own plantations, with gun and firelight, upon conviction of such offence on sufficient testimony, shall be turned over into the Continental service for the term of eighteen months, or during the war; and the person so informing shall be exempt from any kind of military duty or draft for the space of twelve months, provided the offender be found guilty agreeable to this law.

II. And be it further enacted by the authority aforesaid, that if any soldier belonging to the Continental army, or servant (otherwise than slaves) should be found hunting as aforesaid, such soldier or servant, on due con-

viction as by this Act directed, shall receive twenty-nine lashes on his or their bare back.

III. And be it further enacted by the authority aforesaid, That if any slave be found transgressing this law, on conviction before any one justice of the peace, shall receive thirty nine lashes on his or their bare back, and the owner or master of such slave or slaves, shall forfeit and pay the sum of one hundred pounds, to be applied one half to the use of the informer, and the other to the use of the poor of the county; and the wardens of said county are hereby directed to sue for the same, to be recovered in any court of record having cognizance thereof. Provided nevertheless, that the master or owner of such slave or slaves shall not be liable to any fine by this law directed, if it shall appear by his own oath, or other sufficient testimony, that the offence was committed without his or her approbation or knowledge.

IV. And be it further Enacted that any one justice of the peace, on complaint as by this Act directed, is required to issue his warrant, directed to the sheriff or constable, to apprehend such person or persons, and shall cause a jury of twelve freeholders to be summoned as soon as possible, to try such offender or offenders; which jury is hereby directed to attend at such time and place as the justice shall appoint, and in case of default, the justice is hereby authorized to issue his summons for other freeholders to make up such deficiency.

V. And be it further enacted by the authority aforesaid, that each and every person so neglecting or refusing to attend, after being lawfully summoned, shall forfeit and pay the sum of twenty pounds for each and every offence, to be applied to the use of the poor of the county; and the justice is hereby directed, in case of default, to issue his warrant for levying the same, if he shall not think his excuse lawful, in which case, if the party so summoned should think himself aggrieved by the determination of such justice, he may appeal to the next succeeding county court, first giving security to the justice for his appearing and abiding by the determination of said court; and if the said court shall judge his excuse lawful, shall order him to be discharged from the said fine.

VI. And be it further enacted by the authority aforesaid, That the following oath shall be prescribed to the jury, viz: "You shall try, and a true verdict give, according to law and evidence, in the matter now before you. So help you God." And the determination of such jury, when obtained, shall be decisive.

VII. And be it further enacted by the authority aforesaid, that if any person or persons shall threaten any informer against fire hunting, such person so threatening, upon due conviction thereof as by this act directed, shall suffer as in cases of fire hunting.

VIII. And be it further enacted, that if any person or persons shall harbour or conceal any fire hunter, knowing him to be such, on due proof thereof, shall be subject to the same pains and penalties as is herein inflicted on fire hunters; any law, usage or custom, to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, that if any person summoned as an evidence against any fire hunter, and shall refuse or neglect to give evidence against such fire hunter, such person so refusing or neglecting shall be committed to the gaol of the county where the offence shall be committed, until he or she shall give evidence against the offender.

X. And be it further enacted, that so much of an act passed at New Bern,

in the year one thousand seven hundred and seventy-eight, for to prevent hunting in the night by fire light, as shall come within the purview of this act, shall be repealed and made void, to all intents and purposes.

XI. And whereas driving with gun and dogs is found by experience to be pernicious and hurtful to stock: For remedy whereof, Be it further enacted, by the authority aforesaid, that if any person or persons shall after the first day of January next be found driving with dogs on lands that is not his or their own property, unless permission first had and obtained from the owner or owners of such lands, shall forfeit and pay the sum of twenty-five pounds for every offence; to be recovered by the party grieved, to his or their own use, before any justice having cognizance thereof. Provided, that the party injured shall not be intitled to such recovery except he previously posts out his land, and gives public notice in his neighbourhood, forbidding all persons hunting thereon contrary to the meaning of this act.

CHAPTER IV.

An Act to amend an act, intituled, An act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned; and also to amend one other Act, intituled, An act to amend an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the several county courts within this State shall have full power and authority, and they are hereby declared to have full power and authority, in all cases now undetermined, where they shall judge a new trial necessary, to order the same either on the premises where the bounds of the land come in question, or before them, in which last case they shall direct a jury to be impaneled and sworn as in the trial of other causes, to try the disputed claim; and where the said jury shall find generally or specially, the same proceedings shall be had on their verdict as in cases of verdicts returned by the sheriff respecting vacant or unappropriated lands, and the judgment of the court in all cases of vacant or unappropriated land shall be final and conclusive, without any appeal to the Superior Court.

II. And be it enacted by the authority aforesaid, that all appeals undetermined, and now depending in the said Superior Courts, shall be proceeded on and determined in the same manner as before the passing of this act; anything to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, that the sheriff, or his deputy, shall have full power and authority, and they are hereby declared to have full power and authority, to administer an oath to the jury and witnesses, and to qualify them in the same manner as a justice of the peace, pursuant to the before recited act passed at New Bern.

IV. And be it further enacted by the authority aforesaid, that in case of the death of any person who heretofore has made an entry of land, or who hereafter shall make an entry pending the same, or before the making out

the grant, his or their heirs or assigns, shall have a fee simple estate in the premises, although the grant shall be made in the name of the decedent.

V. And whereas in many cases after entering a caveat the contending parties meet and agree, which agreement often cannot be ascertained, and thereby justice is delayed, and the intention of the legislature in granting land defeated; Be it therefore enacted by the authority aforesaid, that on application to the county court where the land lies, both parties having such previous notice as the court shall judge sufficient, they shall ascertain the agreement, and give judgment in the same manner as on a verdict of a jury, and the like proceedings shall be had thereon. Provided nevertheless, that in case the agreement cannot be ascertained to the satisfaction of the court, they shall order a trial as in other cases of caveats.

VI. And whereas there is no law to enforce the attendance of jurors on trials on the premises, and delays frequently happen in consequence of their failure; Be it therefore enacted by the authority aforesaid, that in case any person summoned as a juror to attend on the premises, who shall fail to appear and proceed on the trial, the sheriff shall return a list of his or their names so failing to the county court next succeeding, who shall order a notice to issue for him or them, to shew cause at the next succeeding session in justification of such failure; which if the court should think not sufficient, they shall fix a fine on the said delinquent, not exceeding fifty pounds, and be further liable to an action of the party grieved.

VII. And be it further enacted by the authority aforesaid, that when it shall so happen that any person or persons shall have made, or hereafter may make any entry of land on any navigable water, and are prevented from running out the same, agreeable to the directions of the before recited act, by the boundary of any land heretofore run out, that then, and in that case, the surveyor may and shall run out and survey the same in the same manner that other lands are directed to be laid out; any thing in the before recited act to the contrary, notwithstanding.

VIII. And be it further enacted by the authority aforesaid, that from and after the passing of this act, the registers of the different counties of this State shall and may take for every deed registered in their respective offices the sum of four dollars, and for a copy of any such deed the sum of four dollars, and for every search the sum of one dollar; and that a constable shall and may take for serving a warrant the sum of three dollars, for every execution the sum of three dollars, and for every summons the sum of one dollar, and for each day's attendance on the court the sum of ten dollars; any law, usage or custom, to the contrary notwithstanding.

IX. And whereas grants may be secretly obtained by artful and designing men for land to which they have no just title, to the great injury of many of the inhabitants of this State; For prevention whereof, Be it further enacted, that upon complaint being made on oath, and sufficient reason shewn to the Governor or commander in chief, he may suspend the execution of such grants, and direct the secretary to certify the same to the court of the county wherein the land may lie; and the court shall upon receiving such certificate from the secretary order a trial by jury, in the same manner as they might do if a caveat had been made in the office of the entry taker, and the proceedings to be conducted in the same manner as is directed in the before recited act.

X. And whereas the fees allowed by law to the entry takers in the respective counties in this State is found to be insufficient; Be it enacted, that from and after the passing this act, they shall be entitled to receive for each entry the sum of four dollars and no more.

CHAPTER V.

An act to amend an act for appointing sheriffs, and directing their duty in office, and for obliging the late Sheriffs and collectors of public monies who are in arrear to account for and pay the same, and for other purposes.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same that every county court shall annually elect and nominate a freeholder of sufficient circumstance to execute the office of sheriff, who shall thereupon be commissioned by the Governor or commander in chief to execute that office for one year; and if any sheriff so nominated shall remove out of his bailiwick, or fail to give security, or refuse to qualify, or shall happen to die in the time of his sheriffalty, the court shall at the next sessions elect and nominate another as aforesaid.

II. And be it further enacted by the authority aforesaid, that in case at any time there shall be no person properly qualified to act as sheriff in any county of this State, that then it shall and may be lawful for the coroner of such county, and he is hereby required to execute all process, civil or criminal, lawfully issuing, or judgments, orders or sentences, of any courts within the same, until some person shall be appointed properly qualified as aforesaid to act as sheriff in said county; and such coroner shall be under the same rules and regulations, and subject to the same fines and forfeitures, as sheriffs are by law for neglect or disobedience of the duties aforesaid.

III. And be it further enacted by the authority aforesaid, that when it shall so happen that there is not a sheriff or coroner in any of the counties of this State wherein the superior courts of law are held, that then in such case all orders or sentences of said courts shall be performed and executed by the sheriff of any county of the district to whom the judges or clerks of the said courts after term time may think proper to direct the same, with the same powers and authorities as if he had been the sheriff of the county wherein said superior court is held, under the penalty and fine of five thousand pounds, to be inflicted upon him by the superior court of the district, on indictment, for such contempt and disobedience, and to be further liable to imprisonment, at the discretion of said court; any law, usage or custom, to the contrary notwithstanding.

IV. And whereas many persons in this State still remain in arrear for taxes due and payable previous to the independency of the same; Be it enacted, by the authority aforesaid, that the sheriffs or collectors who are bound by law to collect and account for such arrears, shall have full power and authority to warrant all persons so indebted for taxes, and recover the same; any law to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview or meaning of this Act, be repealed, and made null and void; any law to the contrary notwithstanding.

CHAPTER VI.

An Act for directing the method of appointing Jurors in all Causes Civil and Criminal.

I. Whereas a trial by jury is one of the best securities of the rights of the people, and a just decision of suits and controversies in the several courts of law within this State depend on the integrity and capacity of jurors;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the justices of the county courts within the district of each superior court of law within this State shall, and they are hereby directed, before the sitting of any Superior Court, to nominate forty-eight freeholders to serve as jurors at such Superior courts. Provided always, that no county court shall knowingly nominate any person to serve as a juror at two courts successively, or any person who shall have an action or suit at issue in the Superior Court at the term to which he shall be so nominated.

III. And be it further enacted by the authority aforesaid, that the number of freeholders to be nominated for each county to serve as jurors shall be proportioned as follows, to wit, Craven seven, Carteret five, Beaufort six, Hyde six, Dobbs four, Wayne four, Pitt six, Johnston four, Jones six, for the district of New Bern; New Hanover twelve, Bladen eight, Onslow six, Duplin eight, Cumberland eight, Brunswick six, for the district of Wilmington: Wilkes two, Washington three, Sullivan two, Montgomery three, Rutherford three, Surry four, Guilford four, Anson three, Richmond three, Mecklenburg six, Burke four, Rowan ten, Lincoln three, for the district of Salisbury; Orange fourteen, Granville ten, Wake six, Chatham seven, Caswell seven, Randolph four, for the district of Hillsborough; Warren five, Franklin five, Edgecomb six, Northampton ten, Nash five, Martin four, Halifax twelve, for the district of Halifax; Chowan seven, Perquimons five, Pasquotank six, Currituck five, Tyrrell four, Bertie eight, Hertford five, Cambden four, Gates four, for the district of Edenton. A list of which jurors so nominated shall be delivered by the clerk of each county court to the sheriff, who shall, and is hereby required to summon the persons so nominated to serve as jurors at the Superior Court; and if any juror so summoned shall fail to appear, he shall be fined the sum of two hundred pounds, unless he can shew sufficient cause to the next court to excuse his non-appearance; which fine shall be applied to the payment of such jurors as shall attend from the said county, and thereby lessen the county tax.

IV. Provided always, that if any of the said county courts shall fail or neglect to nominate freeholders to serve as jurors as aforesaid, or the persons so nominated shall fail to attend, it shall and may be lawful for such superior court to order and direct the sheriff to summon other freeholders of the bystanders to serve as jurors, and the persons so summoned shall be held and deemed lawful jurors. Provided, that such bystanders who shall be so summoned shall and may be every day discharged, and the succeeding day, and so from day to day, during the continuance of the court, the sheriff shall summon of the bystanders so many as shall be necessary; and every person so summoned of the bystanders who shall not appear and serve as jurors, shall be fined in the sum of fifty pounds, unless he can shew sufficient cause, to be approved by the court; to be applied as before directed.

V. And that the fines may be applied according to the directions of this Act, Be it further enacted, by the authority aforesaid, that the fines herein imposed shall be levied by the Sheriff of each respective county wherein each person shall reside who shall be summoned as jurors as herein directed, and shall fail to appear and serve as such, and such sheriff shall be accountable for the same to the county court of his county.

VI. And be it further enacted, by the authority aforesaid, that the sheriff of each respective county shall and is hereby required to summon the freeholders in the list to be delivered him by the clerk of the county court of his county, at least ten days before the sitting of the superior court of which such freeholders are to attend as jurors, which he may do personally or by leaving a note or summons in writing at the dwelling house of such freeholder so to be nominated as aforesaid.

VII. And whereas the attending superior courts will be very expensive to jurors: For remedy whereof, be it enacted by the authority aforesaid, that each and every juror who shall attend either of these superior courts to which he shall be nominated as aforesaid, and summoned by virtue of this act, upon producing a certificate from the clerk of the superior court of the time of his attendance to the county court of the county where he resides, shall have and receive ten dollars for every day he shall travel and attend as aforesaid and an allowance for his ferriage, if certified as aforesaid, to be paid out of the county tax.

VIII. And be it further enacted by the authority aforesaid, that in all suits in the superior and county courts within this State, wherein the title or bounds of lands shall come in question, if it shall appear to the court necessary, such court may order two surveyors, one to be named by each party, to attend and run out and survey the lands in dispute, agreeable to the bounds and lines expressed in each party's titles, and make three accurate plans of such surveys, and return the same to such court; which order such surveyors are hereby required to obey, and shall be allowed fifteen dollars each for every day they shall be travelling to and from attending the surveys, and performing the duty by this act required, which allowance shall be taxed in the bill of costs, and paid by the party cast. Provided nevertheless, if the parties shall agree to have but one surveyor appointed to perform such services, that then, and in such cases, the court shall order one surveyor only to attend, survey, and run out the lands in dispute, who shall return three plans in the same manner, and be intitled to the same allowance, as he would have been intitled to if two surveyors had been appointed.

IX. And be it enacted by the authority aforesaid, that the justices of the county courts shall, at the sessions of their respective courts, nominate thirty freeholders to serve as grand and petit jurors at the next ensuing court of the county, and a list thereof shall by the clerk be delivered to the sheriff of such county, who is hereby required to summon the persons therein named to attend as jurors at such courts respectively, at least five days before the sitting of such court, which said jury shall appear and give their attendance accordingly till discharged by the court; and that there may not be a default of jurors, it shall and may be lawful, during the sitting of the county court, for the sheriff, by order of such court, to summon of the bystanders other jurors, being freeholders, to serve on the petit jury from day to day, and on any day of the said court the justices may discharge those who have served the preceding day.

X. And to enforce the attendance of jurors at the said county courts. Be it enacted, by the authority aforesaid, that every person who shall here-

after be summoned in virtue of this act to appear as jurors at any county court, such person failing to appear, or to give his attendance till discharged by order of the court, shall be fined in a sum not exceeding fifty pounds by the justices of the county court, to be applied towards defraying the charges of the county, and lessening the county tax, unless he shall shew sufficient cause to the next succeeding court for such failure.

XI. And be it further enacted by the authority aforesaid, that no sheriff, or other officer, shall serve or execute any writ, or other process, on the body of any juror, during his attendance on, going to, and returning from any of the said superior or county courts; any such service shall be void, and the defendant may on motion be discharged.

XII. And be it further enacted by the authority aforesaid, that the judges of the superior courts shall direct the names of all the jurors returned from the counties of the district where such court shall be held to be wrote on scrolls of paper, which scrolls of paper shall be put into a box, and drawn out by a child under ten years of age, and the first eighteen drawn shall be a grand jury for the said court, and the residue of the names in the box shall be the names of those who shall serve as petit jurors for the said court.

XIII. And be it further enacted by the authority aforesaid, that when either of the parties shall require that a jury should be balloted for, that then, and in that case, the clerk shall write the names of all the petit jurors appearing on scrolls or pieces of paper, and on the issue in such suit, a child under ten years of age, in open court, shall draw out of the said box twelve of the said scrolls or pieces of paper, and the persons whose names shall be in the said scrolls or pieces of paper drawn as aforesaid, shall be jurors to try such issue; provided that they all do appear; and in case of defaulters, other scrolls shall be drawn, until a sufficient number shall appear to make a complete jury.

XIV. And be it further enacted by the authority aforesaid, that when the Governor or commander in chief, with advice of the Council, shall think it necessary to issue a commission to the judges of the superior courts of law of this State, empowering them, or any of them, to hold a court of sessions of the peace, Oyer and Terminer, and general gaol delivery, that the judge or judges empowered to hold such courts, shall issue a venire facias to the sheriff of the county wherein such court is to be held, who is hereby required to summon forty-eight jurors, being freeholders, five days previous to the sitting of said court, to give their attendance at the same, under the same rules, regulations and penalties, as other jurors are liable to in this act directed; and in case of a venire facias not arriving in time to the sheriff to summon as aforesaid, or in default of the attendance of such jurors so summoned, that then the sheriff shall summon of the bystanders such other persons, being freeholders, to constitute the grand and petit jurors of the courts as aforesaid, who if they shall fail or refuse to attend, shall be subject to the same penalties as before mentioned.

XV. And be it enacted by the authority aforesaid, that the witnesses attending at any inferior or superior court of law within this State, shall be allowed ten dollars for each and every day he shall so attend, to be paid by the party summoning such witness or witnesses.

CHAPTER VII.

An Act to amend an Act, entitled, An Additional Act concerning Servants and Slaves, passed at New Bern in the year One Thousand Seven hundred and fifty three, and other purposes therein mentioned.

I. Whereas by the before recited act, the encouragement given to searchers or patrollers, the penalty inflicted on them in case of a non compliance of their duty, and the times appointed for searching, are insufficient;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that each and every searcher or patroller appointed in pursuance of the aforesaid act shall, as to his own person, during the time of his continuance in office, be exempted from serving as a constable, or working upon the roads, attending private musters, or as a juror, and shall be entitled to such further allowance out of the county tax as the court shall think necessary.

III. And be it further enacted by the authority aforesaid, that the searchers in their respective districts shall search once in every month for guns and other weapons, as the before recited act directs, and shall make return on oath of all such guns, or other weapons, which they shall so find, to the succeeding county court, to be applied to the use of the county, or returned to the owner, as the court may direct; and in case they find any slave or slaves on the Sabbath, or other unseasonable time, off his master or mistress's plantation, without a pass, or in company with some white person who will vouch for his or their honest intention, it shall be lawful for them to apprehend such slave or slaves, and convey, or cause to be conveyed, to the master, mistress, or overseer, who shall pay to the said searchers or patrollers in like manner as for apprehending and conveying runaways, as a compensation for their trouble.

IV. And be it enacted, by the authority aforesaid, that every searcher or patroller who shall refuse to serve, or neglect to do his duty, shall forfeit and pay the sum of one hundred pounds, to be recovered in any jurisdiction having cognizance thereof.

V. And be it further enacted by the authority aforesaid, that so much of the before recited act, intituled, An additional Act to an Act concerning servants and slaves, passed at New Bern the twenty-seventh day of March, one thousand seven hundred and fifty three, as comes within the purview of this act, be, and is hereby repealed and made void.

VI. And be it further enacted by the authority aforesaid, that if any person shall be appointed by the county court of his county overseer of a road, and shall refuse to serve as such, such person so refusing to act shall forfeit and pay for such refusal the sum of fifty pounds; to be recovered before a justice of the peace, by any person who shall warrant for the same, and to be applied to the use of the county where such person resides: And if any overseer shall neglect to keep the road which he shall be appointed overseer of in sufficient repair, he shall forfeit and pay the sum of twenty five pounds (bad weather or unavoidable accidents excepted) for every twenty five days that such road shall be out of repair, to be recovered and applied as aforesaid.

VII. And be it further enacted, by the authority aforesaid, that if any person or persons who are not exempted from working on public roads, shall alter the passing of this act neglect or refuse to work on any road which he is bound by the court to do, after having legal notice thereof, he shall forfeit and pay for every hand he or she shall neglect to send (inability or

unavoidable accidents excepted) the sum of five pounds currency; to be recovered as fines of the like nature, before any jurisdiction having cognizance thereof; And that so much of an Act of Assembly, intituled, An Act for levying a tax for defraying the contingencies of the several counties in this State, and for other purposes, passed at Halifax in January and February last, as comes within the purview of this clause, is hereby repealed and made void.

CHAPTER VIII.

An Act for punishing persons concerned in any of the several species of Counterfeiting in this State.

I. Whereas the laws heretofore made for preventing counterfeits are found ineffectual;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that if any person after the passing of this act shall by printing, writing, engraving, or any other ways or means, counterfeit, or attempt to counterfeit, any of the public bills of credit emitted by the Congress of the United States, or by any Congress, Convention or Assembly, of this State, or of any one of the United States, or any of the lottery tickets of the United States, or any certificates from the loan offices of this State, or of the United States, or either of them, or any part, word, letter, name, emblem, or device of the said bills of credit, lottery tickets, or loan office certificates; or shall make or construct, or cause to be made or constructed, or have in possession, any die, type, or other instrument, for imitating or counterfeiting any of the said bills of credit, lottery tickets, or loan office certificates, or any part, word, letter, emblem, or device thereof, except by authority of law, or in case where such may be seized in order to bring suspected persons to justice; or shall alter or deface any of the said bills of credit, lottery tickets, or loan office certificates; such person or persons so offending, being thereof lawfully convicted, by confession or verdict, or standing mute on arraignment on trial, shall for the first offence stand in the pillory three hours, and have his right ear nailed to the pillory and cut off, and receive on his or their bare back thirty nine lashes, and be branded with a red hot iron on the right cheek with the letter C, and on the left cheek with the letter M (which brands shall be at least one inch in length, and three quarters of an inch in breadth) and be imprisoned at the discretion of the court before whom it shall be tried, not exceeding one year, and forfeit one half of all his or their goods and chattels, lands and tenements, whereof he or she was seized or possessed at the time the offence was committed, to the State.

III. And be it further enacted by the authority aforesaid, that if any person or persons shall pass, or attempt to pass, any counterfeit likeness of any of the said bills of credit, lottery tickets, or loan office certificates, and being thereof convicted, by sufficient evidence, that the same was passed, or intended to be passed, with an intention to defraud, he or she so offending shall for the first offence stand in the pillory one hour, and have one ear cut off, and receive thirty nine lashes, well laid on, on his or her bare back, and imprisoned at the discretion of the court, and forfeit one half of his or her property to the use of this State.

IV. And be it further enacted by the authority aforesaid, that if any person or persons shall be found guilty of uttering or passing any of the afore-

said counterfeit bills of credit, lottery tickets, or loan office certificates, for the second offence he or they shall suffer death, without benefit of clergy.

IV. And be it further enacted by the authority aforesaid, that any person apprehended for any of the crimes afore mentioned, sufficient proof thereof being made before any justice of the peace, shall be committed, or bound over as in other cases of felony.

VI. And be it further enacted by the authority aforesaid, that in all future trials or arraignments under this act, the defendant shall not be entitled to make any peremptory challenge, nor shall the attorney for the State, nor the defendant or his council, take exception against any of the jury called, unless good and sufficient reasons shewn to, and approved by the court.

VII. And be it further enacted by the authority aforesaid, that in all trials hereafter for any of the crimes above mentioned, neither the attorney for the State, nor the council for the defendant, shall be allowed to use any argument against or in favor of the defendant, but shall and may examine and cross-examine the witnesses on both sides, leaving to the judges to state the evidences, and give a charge to the jury thereupon.

CHAPTER IX.

An Act to amend an Act, intituled, An Act to amend the Staple of Tobacco.

I. Whereas for several years past, from the difficulty of procuring materials, and the advanced price of mechanical labour, most of the public warehouses in this State have become decayed, ruinous, and unrepai^{re}d, and it being at this time inexpedient to levy on the different counties wherein said warehouses stand a sum equivalent to the rebuilding or repairing the same;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act the justices in each respective county in this State, wherein public warehouses for tobacco now stand erected, shall from court to court, as they shall deem fit and proper, regulate and ascertain what shall be paid as warehouse rent for each hogshead of tobacco by the owner or owners of the same, which shall thereafter be brought to the said warehouses; and the said justices shall and may appoint some fit person to receive said monies, who shall be accountable to them at all times for the appropriation of the same, by action of debt, before any court having cognizance thereof, wherein the inspectors books shall be proof as to the number of hogsheads received, for the whole of which such person shall be liable to answer, and shall be allowed no protection.

III. And whereas the salaries and allowances to inspectors under the before recited act are inadequate to their trouble; Be it therefore enacted by the authority aforesaid, that the justices of the respective counties wherein warehouses as aforesaid now stand erected, at the first court to be held for such counties after the passing of this act, shall allow such farther salary to inspectors as to them shall seem reasonable and proper, and that such salary shall be paid out of the monies arising on tobacco for warehouse rent.

IV. And be it further enacted by the authority aforesaid, that the justices in such respective counties as aforesaid shall from time to time, as occasion may require, lay out and appropriate any remaining part of the aforesaid

monies in repairing or rebuilding their respective warehouses, in such manner as they may think necessary.

V. And be it further enacted by the authority aforesaid, that the same rules and regulations herein before contained shall be had and taken with respect to warehouses built by private persons on their own lands, and at which a public inspection hath been heretofore held, so far as respects the warehouse rent that shall be paid for each hogshead of tobacco.

VI. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be repealed and made void.

CHAPTER X.

An Act for regulating Ordinaries, Houses of Entertainment, and Ferries, and other purposes.

I. Whereas the laws at present in force have been found ineffectual for the due regulation of ordinaries and ferries:

II. Be it Enacted by the General Assembly of North Carolina, that all persons hereafter retalling liquors shall sell the same by sealed measures, or such other measures as shall at least contain the full quantity pretended to be sold.

III. And be it further enacted that no person, not having a license for keeping an ordinary, shall sell or retail liquors in smaller quantities than is by this act permitted, under the penalty of fifty pounds for every offence, one half to the use of the State, the other half to the use of the informer.

IV. And be it further enacted by the authority aforesaid, that any person, by applying to the court of the county in which such person dwells, and praying a licence to keep an ordinary, may at the direction of such court be ordered to have a licence for the purpose aforesaid, unless it shall appear to the said court that the person so applying is a person of gross immorality, or of such poor circumstance, and slender credit, that they think him or her not able to comply with the intention of this act; and on granting such licence, the person who applies for the same shall produce one or more securities to the said court, to be by them approved, who shall before the licence be made out, join with him or her in a bond of the following tenor, to-wit,

Know all men, by these presents, that we, A. B. and C. D. are held and firmly bound unto _____ Governor of the State of North Carolina, in the sum of one thousand pounds current money of the said State, to be paid to the said _____ or his successors. To the which payment well and truly to be made, we bind ourselves, and every of us, our and every of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the _____ day of _____

The condition of the above obligation is such, that whereas the above bounden A. B. hath obtained a licence to keep an ordinary at _____ if therefore the said A. B. doth constantly find and provide in his or her said ordinary good, clean, and wholesome diet and lodging for travellers, and stable, fodder, corn and pasturage, for their horses, for and during the term of one year from the _____ day of _____ then this obligation to be void, otherwise to remain in force.

And in case of a breach of, or not complying with the condition of said

bond, it shall and may be lawful for any person, in the name of the governor, to sue for and recover the penalty of said bond, and apply one half thereof to his or her own use, and the other half to the use of the county where the cause of action may arise.

V. And be it further enacted by the authority aforesaid, that when such bond shall have been given, the clerk of the court shall prepare a licence, and sign the same, which licence shall continue in force one year, and no longer; and the said clerk shall receive the sum of five dollars to his own use, for licence, bond, and order of court.

VI. And be it further enacted by the authority aforesaid, that if any ordinary keeper shall entertain servants or slaves against the will of their owners, or common sailors against the directions of the masters of vessels to which they belong, every ordinary keeper so offending shall and may, by order of two justices, before whom such offence shall be proved, be from thenceforth suspended and disabled from keeping an ordinary, as if he or she had never obtained a licence for that purpose. Provided nevertheless, that such ordinary keeper may be heard by the next court, who if they think proper may restore such ordinary keeper, by granting him a new license.

VII. And be it further enacted by the authority aforesaid, that any person which (after being suspended and disabled from keeping an ordinary according to the directions of this act) shall sell or retail liquors until he or she shall obtain another licence for such purpose, shall be liable to the same penalties as if a licence had never been obtained by him or her.

VIII. And be it further enacted by the authority aforesaid, that the justices of each county shall once a year, or oftener if necessary, after the first court to be held after the first day of January next, rate the prices of liquors, diet, lodging, fodder, corn, provender and pasturage, to be taken by ordinary keepers; also the said justices shall, at the same time, rate the prices of such ferries as shall be kept within their respective counties: And every ordinary keeper shall, within thirty days after the rates shall be set by the county court where his or her license shall be granted, obtain of the clerk a fair copy of such rates, for which the clerk may take and receive eight shillings; which copy shall be openly set up in the common entertaining room of such ordinary, and there kept till the rates are again altered, and every ordinary keeper failing herein, shall forfeit and pay one hundred pounds for every failure.

IX. And be it further enacted by the authority aforesaid, that every ordinary keeper who shall ask, demand or receive, a greater price for any drink, diet, lodging, fodder, provender, corn or pasturage, or any ferry keeper who shall ask, demand or receive, a greater price for ferriage than shall be rated by the justices according to the directions of this act, shall forfeit fifty pounds for every offence; to be recovered by the informer to his own use, before any jurisdiction having cognizance thereof.

X. And be it further enacted by the authority aforesaid, that no ordinary keeper shall sell on credit liquors to any common sailor to more than the amount of ten pounds, without leave of the master of the vessel to which he belongs, under the penalty of losing the money which otherwise he or she might have recovered for such liquor so sold to such sailor on credit, nor sell drink by small measures upon credit to any other person to a greater amount than twenty pounds, unless the person so credited shall sign a book, in the presence of one or more sufficient witness, or witnesses, in acknowledgment of the said debt, under the penalty of losing the money so credited; and in any action brought for recovery of such debt, the general issue may be pleaded, and this act given in evidence.

XI. And be it further enacted by the authority aforesaid, that all penalties, fines and forfeitures, in this act, the method of recovering or applying whereof are not herein particularly directed, shall be one half to the county wardens, for the use of the county where such fine is incurred, the other half to him or them that shall sue for the same; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record having cognizance of the same.

XII. Provided always, that nothing in this act contained shall be construed, deemed or taken, to prohibit or restrain any person to sell by retail wine, rum, brandy, or other spirits, by the quart or a greater quantity, or ale, beer, or cyder, in any quantity not less than a gallon, provided that the same be not intended to be drank on the plantation whereon the same are sold.

XIII. And be it further enacted by the authority aforesaid, that if any person or persons, from and after the passing of this act, shall sell and deliver any kind of grain, salt, or other articles, in a less measure than the standard established by law, shall forfeit and pay for each offence the sum of five hundred pounds; to be recovered in any court of record having cognizance thereof, to be applied to the use of the person suing for the same.

XIV. And whereas some persons who live at, or own public ferries in this State, have denied to keep up the same for the rates allowed them by their respective county courts: For remedy whereof, Be it further enacted by the authority aforesaid, that if any person or persons who live at, or own public ferries in this State, shall refuse to keep up such ferry or ferries at the rates allowed them by their said county courts, every such person so offending shall for every offence forfeit and pay the sum of fifty pounds; to be recovered by any person suing for the same, to his or her own use.

XV. And whereas the small allowance to the rangers, for strays taken up, is not sufficient compensation for their trouble; Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the ranger in any county in this State to receive from the person or persons taking up such strays the sum of two dollars, for every entry of strays by him to be made, including all services; and that the several rangers furnish the county treasurer with a list of all the strays entered with him once in every six months, for all strays so entered for the year preceding such return.

XVI. And be it enacted by the authority aforesaid, that so much of an Act of Assembly, passed at New Bern in the year one thousand seven hundred and seventy-seven, intituled, An Act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned, as comes within the purview of this act, shall be made void.

XVII. And be it further enacted by the authority aforesaid, that every act and acts, and every clause and article thereof, heretofore made, within the purview and meaning of this act, is and are hereby repealed and made void, to all intents and purposes.

CHAPTER XI.

An Act to amend an Act, entitled, An Act for ascertaining what property in this State shall be deemed Taxable Property, the method of assessing the same, and collecting the Public Taxes, and other Purposes.

I. Whereas by the before recited act it is enacted that the Quakers, Moravians, Dunkards, and Menonists, shall pay a threefold tax, without any exception, and it is found the said act will operate equally against all

orphans estate, widows, and aged men, of those societies, as well as those which heretofore were subject to militia duty: For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that anything contained in the before recited act shall not be construed to extend to any orphan under the age of sixteen years, or widow, or any person of fifty years and upwards, of said societies, to subject them to the payment of a threefold tax, unless such estate shall have been conveyed to them with intent to evade the operation of the assessment act aforesaid.

III. And be it further enacted by the authority aforesaid, that all and every person or persons of the people aforesaid, who shall fail or refuse to give in their taxable property according to the directions of the said act, shall pay three shillings in the pound for such their neglect or refusal, which shall be in lieu of their said tax.

IV. And whereas the public tax cannot be collected in some counties of this State, where the sheriff hath refused or failed to give security according to law: For remedy whereof, Be it enacted by the authority aforesaid, that in such case the county court shall appoint some person, being a freeholder, to collect said tax, he first giving bond with sufficient security for that purpose; who shall have the same powers and authorities, and be entitled to the same profits, and be subject to the same rules and restrictions, as if he had been sheriff, as to the collection of the taxes aforesaid.

V. And whereas, it is provided by an act passed this present session of Assembly, that an aid of three thousand men be sent to South Carolina, for the defence of that State and Georgia; and whereas it is also provided that the sum of three hundred dollars for each volunteer, and one hundred and fifty for each drafted man of the aforesaid three thousand, be advanced to them as a bounty; and our treasury at this time being in an exhausted state, it becomes expedient to take up and receive on the public credit and faith of this State a limited sum on loan; Therefore, be it further enacted, by the authority aforesaid, that his Excellency the Governor be empowered to receive for the use aforesaid any sum, not exceeding five hundred thousand dollars, and that he grant indented certificates under his hand to each depositor of money with him for the purpose aforesaid. Provided, that no certificate be by him granted to any person for a less sum than five hundred dollars, and that each certificate shall bear and carry interest at the rate of six per cent. per annum, and be exempt from taxation in future until redeemed.

VI. And be it also further enacted, that his Excellency the Governor transmit the same to the places of rendezvous for each district, in proportion to the number of men to be marched from each district.

VII. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, is repealed and made void.

CHAPTER XII.

An Act to amend an Act, intituled, An Act concerning servants and slaves.

I. Whereas from the present very small and inadequate allowance by the public to the owners of executed slaves, crimes and thefts by them com-

mitted go frequently unpunished, such slaves being screened from public justice often by their owners;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that there shall not be allowed by the public to the owner of any slave who shall hereafter be executed in virtue of the judgment of the court who shall try such slave, any larger sum than seven hundred pounds current money for a prime slave, and so in proportion for slaves of a less value; any law, usage or custom, to the contrary, notwithstanding.

III. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be, and the same is hereby repealed and made void.

CHAPTER XIII.

An Act to enlarge the Jurisdiction of Justices of the Peace.

I. Whereas many inconveniences ensue from the small power that justices of the peace are restricted to with respect to determining causes of debt, &c., it is necessary that in such cases their power be further extended;

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, that any one justice of the peace have power, and is hereby authorized and empowered, to try and determine any cause of debt, arising by bond, bill, note or account, not exceeding fifty pounds, in the same manner and form as directed, by an act of Assembly, passed at New Bern the fifteenth day of November, one thousand seven hundred and seventy-seven; any law or usage to the contrary notwithstanding. Provided, that if either of the parties shall think him or herself aggrieved by the determination of any justice of peace in the cases above mentioned, such party shall be intitled to an appeal to the county court, and the said court shall finally determine thereon.

III. And be it further enacted by the authority aforesaid, that any part of the above recited act that comes within the purview and meaning of this act, is hereby repealed and made void.

CHAPTER XIV.

An Act for establishing Fairs in Halifax Town and Edenton.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that fairs shall and may be held in the said towns of Halifax and Edenton twice in every year, viz. on the first Thursday in May and the first Thursday in November in the town of Halifax, and the second Thursday in May and November in Edenton, each fair to continue for three days, for the sale of every kind of horses, black cattle, sheep and hogs, pork, and all kinds of provision, tobacco, and every other natural production of the country, and also for the sale of all and every sort of goods, wares and merchandise, whether foreign or manufactured in this State; and that on the said Fair days, and on three days next before, and three days next after each of the said fairs, all persons coming

to, being at, or going from the same, together with their horses, cattle, or other effects, intended for sale, or purchased at the said fairs, shall be free and exempt from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for quarrels or controversies that may arise during the said time, in which cases process may be immediately issued, and proceedings thereupon had in the same manner as if this act had never been made.

II. And in order to prevent frauds and impositions in the sale of blooded horses, Be it enacted by the authority aforesaid, that the judges of the said fairs respectively, herein after mentioned, shall appoint registers for the same, who shall take an oath for the faithful discharge of their duty; and every person who shall bring a blooded horse, mare or gelding, to the said fairs, or any of them, for sale, shall deliver in writing to the register of the fair a certificate of the owner and vender's name, and the colour, age and blood, of such horse, mare or gelding, all which shall be entered by the said register in a book to be by him kept for that purpose; and he shall also safely keep all such certificates, that recourse may be had to the originals if necessary: And if any person shall sell, or offer for sale, any blooded horse, mare or gelding, in the said town of Halifax or Edenton, during the time of the said fairs, without first delivering in a certificate as aforesaid to the register, the person so offending shall forfeit and pay one tenth part of the value of such horse, mare or gelding, one half to the use of the informer, the other half to the use of the purchaser, where an actual sale has been made, but where there has been no sale, the whole to the use of the informer; to be recovered, on complaint or information, as is hereinafter directed: And if any person shall wilfully deliver in to the register a false certificate of the age or blood of any horse, mare or gelding, and shall sell the same, such person, on proof made, shall forfeit and pay one fifth part of the value of such horse, mare or gelding, to the use of the purchaser, to be recovered on complaint or information, as herein directed; and the person so convicted shall never after be permitted to sell any blooded horse, mare or gelding, at any of the said fairs.

III. And for the trial of complaints and informations in cases above mentioned, and also for the trial of controversies and disputed bargains arising at the said fairs; Be it enacted, by the authority aforesaid, that five judges shall be appointed for the fairs in Halifax, viz: John Webb, Henry Montfort, Oroondates Davis, Charles Pasteur, and John Geddy, and five judges for the fairs in Edenton, viz, Thomas Benbury, Samuel Johnston, Joseph Hewes, Michael Payne, and Robert Smith, either of whom may, on application, issue citations and subpoenas, and nominate persons to execute the same; and the said judges, or any three of them, in their respective jurisdictions, shall and may hear and determine instant in all such cases and shall issue executions, and appoint an officer or officers to execute the same, and exercise all the powers incident to a court of pie powder.

IV. And be it further enacted by the authority aforesaid, that any person may have recourse to the register book, and the register shall and may receive for entering every certificate one dollar, for every search half a dollar, and for copy of a certificate one dollar; and the officer or officers appointed by the said judges to serve or execute process, shall have the same fees and commissions as by law allowed to sheriffs in the like cases.

V. And be it further enacted by the authority aforesaid, that the county court of Halifax shall at all times have power to fill up vacancies which may happen among the judges of the fairs in Halifax, by death, removal, or

refusal to act; and the county court of Chowan the like powers with respect to the judges of the fairs in Edenton; and the judges so appointed shall have the same powers and authorities, as if they had been nominated and appointed by this act.

CHAPTER XV.

An Act to vest the title of certain lands therein mentioned in Abner Nash, Esquire, and other purposes.

I. Whereas it hath been made appear, to the satisfaction of the General Assembly, that Abner Nash, of the county of Jones, is justly entitled to one third part of a certain tract of land, lying and being in the county of Orange, containing five thousand acres, the same being a tract of land late the property of Richard Augustus Lathbury, and sold to Edmund Fanning, in behalf of himself, Thomas Hart, and the said Abner Nash, by the sheriff of the said county of Orange, to satisfy a judgment and execution obtained in the superior court of Halifax by a certain Richard Bridger; and the said Edmund Fanning, who owed allegiance to this State, having departed the same, and joined the enemies of the United States, whereby his property hath by the laws of this State become forfeited to the same; and it being reasonable that the said one third part of the said land should be protected from confiscation, and secured to the said Abner Nash:

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that Thomas Taylor, John Kinchen, and John Eastice, or any two of them, be, and they are hereby appointed commissioners, for the laying out and ascertaining unto the said Abner Nash his one third part of the said tract of land, regard being had to the quantity and quality of the same; and thereupon that they, or any two of them as aforesaid, shall execute unto the said Abner Nash a good and sufficient deed of conveyance for the same; all which proceedings, at the proper costs and charges of the said Abner Nash, when had done, shall be deemed sufficient in law to vest in him all the right and title which this State hath, or may have acquired, in and to the same, by confiscation, forfeiture, or otherwise; any law to the contrary notwithstanding.

III. And whereas, also it hath been made appear, to the satisfaction of the General Assembly, that Thomas Burke, of the county of Orange, is justly entitled to a certain tract or parcel of land situated in the said county of Orange, on both sides of Little river, beginning at a hickory and red oak on the east bank of the river, a corner of John Pilkerton's; thence crossing the river with McCallister's line, west thirty-eight chains, to a red oak sappling; thence along his line, south four chains and an half, to a black oak; thence along his line, west forty chains, to a red oak; thence along his line, north seven chains, to a hickory sappling on Joseph Allison's line; thence along his line, west nine chains, to a hickory sappling, corner of William Ray's land; thence his line south, crossing the river three times, to wit, at eleven chains, at eighteen chains, and at twenty-two chains, and continued sixty-five chains, to a black jack sappling; thence east thirty one chains fifty links, to a large forked oak, and continued fifty six chains and an half to a stake; thence north thirty four chains, with Pilkerton's line to a persimmon tree standing on the bank of the river; thence down the waters of the rivers with Pilkerton's line, to a stake

on the east bank of the said river; thence his line, east ten chains, to a hickory and white oak, thence his line, north ten degrees west, ten chains, to the first station; containing three hundred and ninety three acres, of which tract or parcel of land the late James Milner died seized, and which was sold by a certain Andrew Miller, executor of the last will and testament of the said James, to the said Thomas Burke; and the said Andrew Miller having attached himself to the enemies of this and of the United States, and the heirs of the said James Milner (if any there be) being aliens and enemies of this State, and it being nevertheless just and reasonable that the said Thomas Burke should have the full effect of his contract and purchase of the said lands and premises, and that the same should be protected from confiscation, and secured to the said Thomas Burke: Be it therefore enacted, by the authority aforesaid, and it is hereby enacted, that the said tract or parcel of land, situated, lying and being in the county of Orange aforesaid, on both sides of Little river, and bounded as aforesaid, be and remain to the said Thomas Burke, his heirs and assigns, for ever; saving the rights of all persons who are citizens of this or any of the United States, and all rights (except such as may be now or hereafter vested in this State, by forfeiture, confiscation, escheat, or dereliction) by, from, or under the heir or heirs of the said James Milner, deceased, who are aliens or enemies; any law to the contrary, notwithstanding.

IV. And whereas it hath further been made appear, to the satisfaction of the General Assembly, that on or about the ninth day of March, one thousand seven hundred and seventy four, Thomas Person, Esquire, of Granville county, did purchase of a certain William Field, a certain tract of land lying in the county of Randolph, late Guilford county, on both sides Hickory creek, containing two hundred and thirty three acres, and bounded as follows, to wit, Beginning at a hickory, on John Osborn's line; thence running north two hundred and twenty poles, to a white oak; thence east, crossing Hickory Creek, one hundred and seventy poles, to a white oak; thence south two hundred and twenty poles, to a hickory, to and along Osborn's line, to the beginning; the same land having been granted to Isaac Cox by Earl Granville, by a deed bearing date the twenty-sixth day of October, one thousand seven hundred and fifty nine, and by sundry mesne conveyances, as appears by the records, afterwards to the said William Field; and the said Thomas Person having paid the purchase money, or the greatest part thereof, and taken a bond of the said William Field, bearing date the aforesaid ninth day of March, one thousand seven hundred and seventy four, conditioned for the making unto the said Thomas a good title in fee-simple in and to the said land: And whereas the said William Field afterwards, and before any legal title by deed could be obtained from him for the land aforesaid, did traiteriously withdraw himself from this State, and did join the enemies of the United States, whereby all his lands and tenements, goods and chattels, are become forfeited to this State; and it being reasonable that the said land, so as aforesaid purchased of him by the said Thomas Person, should be protected from confiscation, and secured unto him: Be it therefore further enacted, by the authority aforesaid, that the said two hundred and thirty-three acres, situated and bounded as is before set forth, be, and the same is hereby declared to be vested in the said Thomas Person, his heirs and assigns, for ever, as fully, to all intents and purposes, as if the said Field had executed a deed to him for the same before his departure from this State.

V. And be it further enacted by the authority aforesaid, that the said Abner Nash, Thomas Burke, and Thomas Person, shall pay into the hands

of the commissioners to be appointed for the counties of Orange and Randolph the respective sums due for the lands aforesaid, and that they account on oath for the same.

VI. Provided nevertheless, that this act shall not be construed to extend to invalidate any legal conveyance made by the within mentioned Edmund Fanning previous to the declaration of independence, to any part or parcel of the within mentioned land.

CHAPTER XVI.

An Act for dividing Anson County, and other purposes.

I. Whereas the large extent of the county of Anson, together with the difficulty of crossing the river Pee Dee, especially when waters are high, renders it grievous and troublesome to many of the inhabitants to attend the courts, general musters, elections and other public meetings appointed therein;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Anson be divided into two separate and distinct counties, and that the river Pee Dee be the dividing line; and that all that part of Anson that lies on the south west side of the said river Pee Dee, shall be, continue and remain, a distinct county, by the name of Anson; and that all that other part of the county of Anson that lies on the north east side of said river, shall thenceforth be erected into a new and distinct county, by the name of Richmond county.

III. And for the due administration of justice, Be it enacted by the authority aforesaid, that a court for the said county of Richmond shall be held constantly by the justices thereof on the last Mondays in March, June, September and December; and the Justices for the said county of Richmond are hereby authorized and impowered to hold the first court for the said county of Richmond at the Presbyterian meeting house, near Hitchcock creek, on the last Monday in December next, and all subsequent courts for the said county of Richmond on the days above mentioned for holding courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Richmond, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Richmond shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this State.

IV. And be it further enacted by the authority aforesaid, that nothing herein contained shall be construed to debar the late sheriff of the said county of Anson, as the same stood undivided, to make distress for any levies, fees, or other dues, now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the said sheriff could or might have done, if the said county had remained undivided; and the said levies, fees and other dues, shall be collected and accounted for in the same manner as if this act had never been made; anything herein contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, that after the

passing of this act the said county of Richmond shall continue and remain part of the district of Salisbury; and the county treasurer of the said county of Richmond shall from time to time account for and pay to the public treasurer of Salisbury district for the time being, all public taxes by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like penalties, as other county treasurers.

VI. And be it enacted by the authority aforesaid, that Henry William Harrington, John Donaldson, William Legate, John Coal, Robert Webb, Robert Thomas and Richard Pemberton, Esquires, be, and they are hereby empowered and directed to agree with workmen for erecting and building a court house, prison and stocks for the use of the said county of Richmond, at such place as they or a majority of them shall agree upon, as near the center of the said county as conveniences will admit of, and purchase of the proprietor or proprietors of such land fifty acres of land for erecting and building the court house, prison and stocks thereon.

VII. And for reimbursing the said commissioners the money they shall expend in purchasing the aforesaid fifty acres of land, and erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings in the hundred pounds, shall be, and is hereby assessed, on the taxable property in the said county of Richmond, for three years, and two shillings on all taxable persons that are not possessed of taxable property of the value of one hundred pounds, to commence from the passing of this act; and that all persons who shall neglect or refuse to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress, as for non-payment of public taxes; and the sheriff of the said county of Richmond is hereby directed and required to account for and pay the monies by him so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect in the said sheriff, he so failing or neglecting shall be liable to the same penalties and recoveries as by law may be had against sheriffs for public taxes in like cases.

VIII. And be it further enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced in the county court of Anson, shall continue and may be prosecuted to a final end and determination; any thing in this act contained to the contrary, notwithstanding.

IX. And be it further enacted by the authority aforesaid, That the said county court of Richmond shall, from and after the last Monday of December next, nominate and appoint three freeholders to serve as jurors at the superior courts held for the district of Salisbury.

X. And be it further enacted by the authority aforesaid, That all entries of land lying in the said county of Richmond, which hath or hereafter shall be made with the entry taker of Anson county on or before the first day of December next, and shall remain unsurveyed on the day aforesaid, that it shall and may be lawful for the entry taker of Anson county, and he is hereby directed to issue warrants for all such entries aforesaid, to the surveyor of said county of Richmond; any thing in this act to the contrary notwithstanding.

XI. And be it enacted by the authority aforesaid, That courts for the county of Anson shall be held hereafter by the justices thereof on the first Mondays in January, April, July and October; and the justices of the said county of Anson are hereby authorized and empowered to hold the first court of the said county of Anson at the court house of Anson, and all subsequent courts for the said county of Anson on the days above mentioned

for holding courts therein, at any place to which the said justices shall from court to court adjourn the said court, until a court house shall be built for the said county of Anson; and that all causes, matters and things, depending in the said court, and all process returnable to the same, shall be adjourned to such court house.

XII. And be it further enacted by the authority aforesaid, That David Love, Richard Farr, Thomas Lacey, George Davison, Shem Thomson, William Johnson and John Jackson, or a majority of them, be and are hereby impowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks, for the use of the said county of Anson, at such place as they, or a majority of them, shall agree upon, as near the centre of the said county of Anson as conveniences will admit of, and purchase of the proprietor or proprietors of such land fifty acres of land, for erecting a court-house, prison and stocks, thereon.

XIII. And for reimbursing the said commissioners the monies they shall expend in purchasing the said land, and erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings in each hundred pounds value of taxable property shall be, and is hereby assessed on the taxable property in the said county of Anson for three years, and a poll tax of two shillings on each taxable person in said county that is not possessed of taxable property to the value of one hundred pounds, to commence from the passing of this act; and that all persons who shall neglect or refuse to pay the same at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the sheriff of said county is hereby required to collect, account for, and pay the monies so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect of the said sheriff, he so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against sheriffs for failing to collect public taxes.

XIV. And be it enacted by the authority aforesaid, that the said county court of Anson, from and after the passing of this Act, shall nominate and appoint three freeholders to attend the superior court of Salisbury as jurors.

XV. And be it enacted by the authority aforesaid, that after the passing of this act, the persons who are now in the commission of the peace for the county of Anson, shall be and continue justices of the peace for either of the aforesaid counties in which they shall reside, and shall be impowered to hold courts, and execute all and every thing appertaining to the office of a justice of the peace for the counties of Anson and Richmond; and all militia officers of the aforesaid county shall exercise their respective offices and commissions, until new commissions can be had; any thing to the contrary, notwithstanding.

XVI. And be it enacted by the authority aforesaid, that the next general election for the county of Anson shall be held at the meeting house, known by the name of Chiles's Golds-Fork meeting house; and the next general election for the county of Richmond shall be held at the Presbyterian meeting house, near Hitchcock creek; any thing to the contrary, notwithstanding.

CHAPTER XVII.

An Act for the Division of Dobbs County, and other purposes therein mentioned.

I. Whereas the large extent of the county of Dobbs renders the attendance of the inhabitants of the extreme parts thereof at the court-house, to perform public duties difficult and expensive: For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Dobbs be divided, and that William Caswell, Charles Markland, William McKinnie, Senior, Etheldred Ruffin, and Benjamin Cobb, or a majority of them, be, and they are hereby appointed commissioners for running the dividing line, who are hereby directed to run the lines of the said county of Dobbs so that they ascertain the middle part of said county, which when discovered, they shall run a line a north and south course through the middle part of said county; and then all that part of said county which lies eastwardly of the dividing line, shall continue and remain a distinct county, by the name of Dobbs; and that all the other part shall be a distinct county, by the name of Wayne, with the same privileges and immunities as any other county within this State.

III. And for the due administration of justice, Be it enacted by the authority aforesaid, that a court for the said county of Wayne shall be constantly held by the justices thereof on the second Mondays in January, April, July and October, in each and every year; and the justices for the said county of Wayne are hereby authorized and empowered to hold the first court for the same at Josiah Sasser's house, on the second Monday in January next, and all subsequent courts, elections, and other public business, directed by law to be transacted at the respective court-houses in this State, shall be held and transacted for the said county, at any place to which the said justices shall from court to court adjourn themselves, until a court-house shall be built for the said county of Wayne, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Wayne, shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as is or shall be prescribed for other courts held for the several counties in this state.

IV. And be it further enacted, that nothing herein contained shall be construed to debar the late or present sheriff or collectors of Dobbs county to make distress for any taxes, fees, or other dues, now actually due and owing from the inhabitants of said county, in the same manner as by law the said sheriffs or collectors could or might have done if said county had remained undivided; and said taxes, fees, and other dues, shall be collected and accounted for in the same manner as if this act had never been made.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this act, the said county of Wayne shall be, continue and remain, part of the district of New Bern; and the county treasurer of said county shall from time to time account for and pay to the public treasurer of the district of New Bern all public monies wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VI. And be it further enacted, by the authority aforesaid, that Robert Sims, Thomas Gray, Andrew Bass, Etheldred Ruffin, and William Alford, or the survivors of them, be, and they are hereby empowered and directed, to

agree and contract with workmen for erecting and finishing a court house, prison and stocks, for the use of said county of Wayne, at such place as they or a majority of them, shall agree upon, at or near the centre of said county.

VII. And for reimbursing the commissioners for running the dividing line, as also the commissioners for erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on all persons not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty; and all persons who shall refuse or neglect to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes: And the collectors of said county are hereby required and directed to pay the money by them so collected into the hands of said commissioners, after deducting their lawful commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries, as by law may be had against collectors of public taxes in like cases.

VIII. And be it further enacted, that all manner of suits, causes, pleas, and every species of litigation or controversy whatsoever, now commenced and depending in the county court of Dobbs, shall be proceeded on in said court to a final end and determination.

IX. And be it further enacted, that where any inhabitant of Wayne county already hath, or hereafter may make an entry for lands lying in said county with the entry taker of Dobbs county, and the warrant of survey is not already executed, said entry taker is hereby required to make out and direct such warrant to the proper surveyor of Wayne county.

X. And be it further enacted, that a court for the said county of Dobbs shall be constantly held, by the justices thereof, on the first Mondays of January, April, July, and October.

XI. And be it further enacted, that the justices for the said county of Dobbs shall hold the next court for said county in Kingston, at a house lately occupied by Col. James Glasgow, and all subsequent courts for the said county to be held at the said house until a court house shall be built for the said county of Dobbs.

XII. And be it further enacted by the authority aforesaid, that William Caswell, John Herritage, William Ormond, William Hooker and Bryan Whitfield, Esquires, or the survivors of them, be, and they are hereby empowered and directed, to agree and contract with workmen for erecting and finishing a court house, prison and stocks for the use of the said county of Dobbs, at such place as they, or a majority of them, shall agree upon, as nearly central as may be convenient.

XIII. And for reimbursing the commissioners for running the said dividing line, as also the commissioners for erecting said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on every person not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty and all persons who shall refuse or neglect to pay said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes: And the collectors of

said county are hereby required and directed to pay the monies by them so collected into the hands of said commissioners, after deducting their usual commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

CHAPTER XVIII.

An Act to enable John Kirkwood and Thomas Robeson to sell and dispose of the estate of John Robeson, deceased.

I. Whereas John Robeson, of the county of New Hanover, having died intestate, and possessed of a considerable estate, real and personal, the greatest part of both stands mortgaged for the payment of more than the sum of sixteen hundred pounds sterling money, to Woldridge and Kelly, merchants in the kingdom of Great Britain, whose property becomes forfeited by their absence from this state;

II. Be it enacted by the General Assembly of the State of North Carolina, that it shall and may be lawful for Thomas Robeson and John Kirkwood to sell, convey, and dispose of, the estate of the deceased, for the most it will fetch, at public vendue, and to satisfy and pay the debt and interest due by said Robeson to Woldridge and Kelly into the treasury of this state, and the remainder (if any) to apply as by law directed.

CHAPTER XIX.

An Act for Dividing the Mecklenburg regiment of Militia into two separate and distinct Regiments:

I. Whereas, the great extent of said county and the uncentrical location of the court-house, renders it very inconvenient for the militia of the north east end of said county to attend court martials, and other military duties at said court-house: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the passing of this act, the companies of the following captains, to wit, captain James Barr, captain James White, captain Mathias Bever, captain John Sterns, captain William Houston, and captain William Alexander's companies, as they now stand, shall be a separate and distinct regiment, known by the name of the Mecklenburg second regiment of militia.

III. And be it further enacted, by the authority aforesaid, that said regiment, from and after the passing of this act, shall have, exercise and enjoy, all the powers and authorities that any other separate and distinct regiment in this State does exercise and enjoy; any law to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the place for holding the general musters for said regiment shall be at the house of Captain Martin Fifer, where companies have been formerly mustered.

CHAPTER XX.

An Act to lay off and establish a town in Warren County, on the land already purchased by Commissioners, at the place fixed for setting the Court-House of said County, and for other purposes therein mentioned.

I. Whereas one hundred acres of land, at the place fixed for setting the court-house of Warren County, hath been purchased agreeable to act of Assembly passed at Halifax, the twelfth day of February, one thousand seven hundred and seventy nine, intituled, An Act for dividing Bute County into two distinct counties, and for other purposes therein mentioned; and representation being made to this Assembly, that the inhabitants of said County believe it would be greatly to their advantage, also to the benefit of traders and artificers, to have a town laid off and established by law on the aforesaid land:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the said land, by the name of Warrenton, and that William Johnston, Philemon Hawkins, Edward Jones, John Faulcon, Adkin McLe-more, and William Duke, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court-house, prison and stocks, and also lay out one hundred other lots, each to contain one half acre, with convenient streets and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and mark or number each lot therein, and take subscriptions for said lots of such persons as may be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done by ballot, in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the mark or number contained in the plan of said town: And the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles in fee-simple for said lots, at the cost of the subscribers. Provided nevertheless, that every grantee, his heirs or assigns, of any lot in said town, so conveyed, shall within three years next after the conveyance erect, build and finish, on said lot, one brick, stone or well framed house, not less than twenty feet long, sixteen feet wide, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforesaid commissioners or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of said town. Provided also, that no one person shall be permitted to subscribe for more than six lots for his own use.

III. And be further enacted by the authority aforesaid, that each respective subscriber for any lot in said town, shall at the subscribing pay fifty

dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the county court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all the said monies into the hands of those commissioners, who, in obedience to the Act of Assembly before mentioned, did purchase the aforesaid land, and contract with workmen to build a court house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforesaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. And be it further enacted, by the authority aforesaid, that in case of refusal, death, or removal out of the county, any of the commissioners appointed by this or the aforementioned act, or the survivors of them, are hereby empowered and required to appoint, from time to time, by instruments in writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the afore mentioned act.

V. Whereas the commissioners appointed by Act of Assembly to measure the boundaries of Bute county, and run a dividing line between the counties of Warren and Franklin, having run the same by a direct line from Granville line to Little Shockoe creek, near Prissella Nelm's plantation, and finding it most convenient for the lower inhabitants near the said dividing line to continue the same down the meanders of Little Shockoe and Great Shockoe creek, to Fishing creek, and down the meanders thereof to Halifax and Nash line, each county thereby having an equal quantity of land, as near as can be reasonably ascertained: And as the commissioners have caused the said dividing line to be entered on the records of each county, therefore, be it enacted by the authority aforesaid, That the aforementioned dividing line as it stands entered on the records of Warren and Franklin courts, be and remain the dividing line between the said counties; any thing contained in the aforementioned act to the contrary notwithstanding. And for the more ease of the inhabitants of the county of Warren in attending courts and other public business.

VI. Be it enacted by the authority aforesaid, That all courts after November, one thousand seven hundred and seventy nine, for the aforesaid county shall be held at the house of Thomas Christmas, until the court house shall be built sufficient to hold courts in; anything to the contrary notwithstanding.

CHAPTER XXI.

An Act to amend an Act, intituled an Act for the regulation of the Town of Hillsborough.

I. Whereas from the impossibility of procuring nails, and other materials necessary for building, and from many unavoidable circumstances intervening, owing to the present contest with Great Britain, it hath been impossible for those persons holding unimproved lots, by entry or otherwise, to compleat the necessary buildings required within the time limited by law;

II. Be it therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that from

and after the passing of this Act, all and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, shall be allowed a further time of three years to compleat the necessary buildings required by law for securing titles to such lot or lots in said town; any law, usage, or custom, to the contrary, notwithstanding.

III. And be it enacted by the authority aforesaid, that each and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, who shall within the term of three years limited by this act, make such improvements on the same as shall be deemed by the trustees or commissioners of the said town, or a majority of them, to be of equal value or advantage to the town as the house required by law, shall be considered a sufficient improvement to secure a title for each and every lot so improved; any law, usage, or custom, to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the eighth section of an act of the General Assembly, passed at Newbern on the eighth day of April, one thousand seven hundred and seventy seven, intituled, An act for the regulation of the town of Hillsborough, is hereby repealed.

V. And be it further enacted by the authority aforesaid, that so much of the above recited act, as comes within the purview of this act, is hereby repealed, and made null and void.

CHAPTER XXII.

An Act to prevent persons from stopping the Passage of Fish up Tar river and Dan river.

I. Whereas divers persons, inhabitants near Tar river and great Dan river, heretofore made a practice of stopping the passage of fish up the said rivers, by building wares, dams or hedges, across the same, whereby great damage is done to the good people resident above such wares, dams or hedges: For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build, erect, or cause to be built or erected, or kept up, any ware, dam, or stoppage, that is already or may hereafter be built or erected across the said rivers, unless eighteen feet in or near the middle, or in the deepest part of the said river, be left open to the bottom across the same during the term of three months, to wit, from the fifteenth day of February to the fifteenth day of May; but that all stoppages shall be so made in the said rivers as to leave eighteen feet thereof as aforesaid open and sufficient for the free passage of fish up the said rivers during the aforesaid term of three months in each and every year.

III. And be it further enacted by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every such offence the sum of one thousand pounds, to any person or persons who shall sue for the same, to his, her or their own proper use; to be recovered before any jurisdiction that shall have cognizance thereof.

IV. And be it enacted, by the authority aforesaid, that this act shall not extend to keep open Tar river higher up the same than to Priddy or Dickenson's mill, as the said mill is not far below the head of the said river.

CHAPTER XXIII.

An Act to empower the Commissioners therein mentioned to purchase a Lot in the Town of Wilmington, to build a Gaol thereon for the District of Wilmington, and other purposes.

I. Whereas there is no lot yet procured to build a district gaol in the town of Wilmington, for the district of Wilmington: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that William Wilkinson, John Du Bois, Henry Toomer, Richard Player, and Andrew Rundelson, or a majority of them, be, and they are hereby authorized and empowered to purchase a lot of land in the said town, in the most convenient place for the purpose aforesaid.

III. And be it further enacted, by the authority aforesaid, that the said commissioners be, and they are hereby authorized and empowered, to take a title for the said lot, for and in behalf of the said district of Wilmington, to be reserved for the uses aforesaid.

CHAPTER XXIV.

An Act for prolonging the time for saving the lots in the Towns of Windsor and Wynton.

I. Whereas from many unavoidable hindrances it hath been impracticable for the proprietors and owners of lots in the towns of Windsor and Wynton to compleat the buildings on the said lots agreeable to law;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every lot in either of the said towns, on which a house be erected and built of the dimensions in the several acts of Assembly for erecting the said towns of Windsor and Wynton into towns, or other improvements, which shall be by the commissioners, trustees or directors, or either of them, deemed and adjudged equal thereto, within the space of three years next after the passing of this act, and all and every lot in either of the said towns which shall hereafter be sold or conveyed, on which such house shall be erected and built, or other improvement made thereon equal thereto, within the space of three years from the date of the conveyance executed for the same, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple, any thing contained in the above mentioned act to the contrary notwithstanding.

CHAPTER XXV.

An Act for establishing an Academy in the County of Granville, for appointing Trustees, and for other purposes.

I. Whereas the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to the good people thereof; and whereas the county of Granville, from its situation both pleasant and healthy, well watered and abounding with provisions, is a fit and proper place to erect buildings for a seminary of learning; and whereas large sums of money have already been subscribed to promote and encourage such a laudable and beneficial establishment, which, together with such other

sums as may be given in donations and otherwise, will answer all the expense attending the same:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that his Excellency Richard Caswell, Esq.; Abner Nash, Esq.; Speaker of the Senate, and Thomas Benbury, Esq.; Speaker of the House of Commons, John Penn, Esq.; Reverend George Micklejohn, the Reverend Henry Patillo, Thomas Person, Edmund Taylor, John Taylor, Memucan Hunt, Philemon Hawkins, jun., Howell Lewis, Robert Lewis, Charles Russ Eaton, John Young, and Samuel Smith, be, and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies and other personable property, as also to receive a grant in fee for all such land as shall be given in donations, with such uses and trusts as may be necessary for the purpose aforesaid.

III. And be it further enacted, by the authority aforesaid, that a majority of the said trustees shall be, and are hereby declared a board, to make choice of land, receive in donations, or purchase the same in the said county, not containing less than five hundred acres, whereon to erect the building of the academy aforesaid, which when built shall be called Granville Hall; and that a majority of said trustees shall be a board on other occasions to make all such regulations as shall be necessary for the improvement of the said academy, who are hereby vested with all the powers and authorities as the trustees of any academy in this state possess and hold, for the purposes aforesaid.

IV. And whereas a town contiguous to the said buildings would be very convenient and servicable, Be it further enacted, by the authority aforesaid, that the said majority of the trustees as aforesaid shall lay out one hundred acres of the said land into half acre lots, with proper streets and squares; and when one hundred lots are subscribed for, the same to be drawn by ballot, and any five of the said trustees shall make a deed in fee to every subscriber who shall draw a lot as aforesaid.

CHAPTER XXVI.

An Act to Prevent the Stopping of Fish from running up the Rocky and Haw Rivers.

I. Whereas divers persons, inhabitants near the said rivers, have heretofore made a practice of stopping the same, by building wares, dams or hedges, across said rivers, with design to catch fish and otherwise, whereby great injury is done to the good people resident above such wares, dams, or hedges aforesaid: For remedy whereof,

II. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, wares, dams, or hedges, in the said rivers, below Nathaniel Alexander's mill, on Rocky river, which stands on the trading road that leads from Salisbury to Charlotte town on Rocky River, or Richard Simpson's mill on Haw river. Provided nevertheless, it shall and may be lawful for any person or persons to keep up any mill dam or dams that is or may be erected on said rivers, provided the owner or owners of such mill-dams shall either by gates or slopes, from the fifteenth of February until the fifteenth of May in each and every year, keep open twenty feet of said river by slopes or gates,

said slopes to be twenty five feet in length for every four feet in height of such dam, and so in proportion, and so fixed, that the water may be kept running not less than nine inches deep through each slope for and during the time aforesaid, said slopes and gates to be made and fixed up at the expence and cost of the owner or owners of such dam or dams; and if the owner or owners shall chose to keep open said river by gates, they shall be fixed and kept in the channel of said river for and during the time aforesaid, and the same number of feet in breadth.

III. And be it further enacted, by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every offence the sum of five hundred pounds; to be recovered by action of debt, in any court of record in this state, one half to him or them that will sue for the same, the other half to go to the use of the county where the offence may be committed, to lessen the county tax.

CHAPTER XXVII.

An Act to establish a road from James McDaniel's, in Pasquotank County, to the Widow White's, in Perquimons County, and granting a toll on the same.

I. Whereas a representation hath been made by a number of petitioners of the Counties of Pasquotank and Perquimons, that a road, bridge or causeway, leading from or near James McDaniel's, in the upper part of Pasquotank county, through the great Dismal swamp, to Perquimons county, to join a road in Perquimons county passing from the upper bridge of Perquimons river by the widow White's, would be of great convenience to the inhabitants of said counties, and other persons having occasion to travel in that part of the country; and whereas Gideon Lamb has proposed to make such road, bridge or causeway, in a proper and sufficient manner, at his own expence, and to maintain it in effectual repair during his interest therein, if he can be ascertained of receiving an adequate compensation and encouragement for the same;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Gideon Lamb, his heirs or assigns, may proceed to make or cause to be made, such road, bridge or causeway; and if he, or any of them, shall within the term of five years from the passing of this act, make or cause to be made, such road, bridge or causeway, so as to answer the purpose of effecting a safe and convenient passage to all travellers having occasion to pass along the same, their horses, carriages, cattle, sheep or hogs, that in such case it shall and may be lawful for the said Gideon Lamb to erect and keep a sufficient gate on any part of the said road, bridge or causeway, and demand and receive for the passage of all and every person or persons, with a horse or horses, carriage or carriages, or any number of cattle, sheep or hogs (foot passengers only excepted) half the rates that are or may, from time to time, be by the Court of Chowan County allowed for the passage of the same over the ferry from Edenton to Duckinfield; and that the said Gideon Lamb, his heirs or assigns, may lawfully prevent any person or persons passing over the same as aforesaid, without payment of the said rates.

III. And be it further enacted, by the authority aforesaid, that all militia or continental troops, with their carriages and horses, when embodied and in actual service, shall pass and repass over said bridge toll free.

IV. Provided that Jonathan Herring, Joshua Campbell, Caleb Cowen,

Joseph Stockly, Thomas Newby, Josiah Granberry and Charles Herring, are hereby authorized and appointed to inspect and judge whether the said road, bridge or causeway, be properly made by the said Gideon Lamb, his heirs or assigns; and upon the certificate of them, or a majority of them, returned to the county court of Pasquotank or Perquimons, certifying that the said road, bridge or causeway, is properly made, so as to answer the purposes and intentions of this act, if it be within the term of five years as aforesaid, then the right of receiving the said rates as above mentioned shall commence, and be vested in the said Gideon Lamb, his heirs and assigns.

V. And be it further enacted, by the authority aforesaid, that the right of receiving the rates aforesaid, upon the conditions above mentioned, shall continue in the said Gideon Lamb, his heirs and assigns, for ever.

VI. And be it further enacted, by the authority aforesaid, that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person or persons whatsoever to build any bridge or causeway, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said swamp for fee or reward, within six miles of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds current money for each and every offense; to be recovered by the said Gideon Lamb, his heirs or assigns, in any court of record in the said state, to be applied to the use of the proprietor of the bridge or causeway built by the said Gideon Lamb; and during the said time, the right and property of the said bridge or causeway is hereby invested in the said Gideon Lamb, his heirs, executors, administrators, or assigns.

VII. And be it further enacted, by the authority aforesaid, that if any person shall sustain any damage or injury in crossing the said bridge or causeway, owing to its insufficiency, he, she or they, so sustaining damage, shall have a right of action and recovery of the proprietor of the bridge or causeway.

CHAPTER XXVIII.

An Act to appoint Commissioners for fixing on a place within the County of Montgomery to build a Court House, Prison and Stocks, and other purposes therein mentioned.

I. Whereas by an act of Assembly, passed at Halifax in January, one thousand seven hundred and seventy nine, the county of Anson was divided, and a new county erected by the name of Montgomery county, and by the said act commissioners were appointed to choose out and fix on a certain place within the said county to erect and build a court house, prison and stocks, and by either an omission of the clerk of the Assembly, or the printer of the said Act, one of the commissioners was omitted and left out of the said law, by which means the said commissioners could not lawfully act, as a majority of them either neglected or refused serving: Therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that James Roper, James Allen, Cornelius Robeson, Samuel Person, and John Collier, of Randolph county, or a majority of them, are appointed commissioners, and they are hereby empowered and directed to agree and contract for fifty acres of land and also to agree and contract with workmen for building a court house, prison and stocks, for the use of the said county of Montgomery, thereon, at such place as they, or a majority of them, shall

choose or fix the same, at the most convenient place to the centre of the said County, and that they have power to employ the County Surveyor, at the expense of the said County, to run out the same, and find the centre thereof.

III. And be it further enacted, by the authority aforesaid, that the part or clause of the afore mentioned act of Assembly, whereby commissioners were formerly appointed to choose out a place for the public buildings of the said County of Montgomery, is hereby repealed, and made null and void.

IV. And whereas by an act, intituled, An act for erecting a prison in the town of Edenton, for the use of the district of Edenton, and other purposes, passed at Halifax the nineteenth day of January, one thousand seven hundred and seventy nine, it is enacted, that the courts of the new counties made that General Assembly should at their sessions held after the first day of April, one thousand seven hundred and seventy nine, choose a clerk, sheriff, entry taker, and surveyor; and whereas the county court of Randolph did, through mistake, proceed to the choice of such officers at the court next before the first day of April as aforesaid; Be it therefore enacted, by the authority aforesaid, that the said appointment of officers for the county of Randolph, to wit, Absalom Tatom, clerk, William Bell, sheriff, William Cole, entry taker, and John Collier, surveyor, is hereby deemed valid and good, as if the same had been agreeable to the before recited act; any thing therein contained to the contrary notwithstanding.

CHAPTER XXIX.

An Act for securing the rights of such persons in the County of Washington as lie between the river Holstein and the line lately run by the Commissioners of this State and the State of Virginia, as the dividing line between the said States; and for dividing the said County of Washington into two distinct Counties, and for other purposes.

I. Whereas the boundary line between this state and the state of Virginia hath never, until lately, been extended by actual survey further than to that part of Holstein river that lies directly due west from a place well known by the name of Steep Rock, and all the lands westward of the said place, lying on the north or north west side of the said river Holstein, hath, by mistake of the settlers in that part of the country, been held and deemed to be in the state of Virginia, owing to which mistake, the said settlers hath failed to repair to the proper offices to enter and secure their respective lands and improvements by the time required by law, in order to their having the preference of entry: And whereas by the line lately run by the said commissioners of Virginia and this state, it appears that great numbers of good subjects have fallen into this state, who were before reputed to be in Virginia, and it is suggested that sundry persons have thereupon suddenly entered the lands and improvements of the said settlers: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said settlers and inhabitants, lying between the river Holstein and the boundary line lately run between Virginia and this state, shall have a further time of preference to all others allowed for entering their respective lands, plantations and improvements, until the first day of May next ensuing; and that all entries made or which shall be made, by any person or persons whatsoever, for the improvements, plantations, or claims of others, where they have at any time before the said first day of May been actually settled, and all

proceedings thereon shall be null and void, any law to the contrary notwithstanding.

III. And whereas by the great extent of the said county of Washington, and the great number of inhabitants therein, it becomes highly necessary that the said county should be divided into two distinct and separate counties, by a line beginning at the Steep Rock; thence running along the dividing ridge that divides the waters of the Great Canawee and Tenessee, to the head of Indian creek; thence along the ridge that divides the waters of Holstein and Wataga, to the mouth of Wataga; thence a direct line, to the highest part of the Chimney Top mountain, at the Indian boundary: And that all that part of said county of Washington which lies northwardly of said dividing line, shall be erected into a new and distinct county, by the name of Sullivan County; and that all that other part of said County which lies southwardly of said dividing line, shall continue and remain a distinct county, by the name of Washington.

IV. And for the due administration of justice, Be it enacted, by the authority aforesaid, that a court for the county of Sullivan shall be constantly held by the justices thereof on the third Mondays in February, May, August, and November; and the justices for said county are hereby authorized and empowered to hold the first court for their county at Moses Luney's, on the first Monday in February next, and all subsequent courts on the days above appointed for holding courts therein, at any place to which said justices shall from court to court adjourn themselves, until a court house shall be built for said county; and then all causes, matters and things, depending in said Court, and all manner of process returnable thereto shall be adjourned to such court-house; and all courts held in and for the county of Sullivan, shall be held by commission to the Justices thereof, in the same manner and under the same rules and restrictions, and with the like powers and jurisdiction, as courts for the other counties in this state.

V. And be it further enacted, that nothing herein contained shall be construed to debar the late or present sheriff or collector of Washington county to make distress for any taxes, fees or other dues, now actually due and owing, or which shall be due on the first day of January next, in the same manner as by law the said sheriffs or collectors might or could have done, if this act had not been made.

VI. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, the said county of Sullivan shall be considered as part of the district of the superior court of law usually held for the district of Salisbury; and the county treasurers thereof shall, from time to time, account for and pay to the public treasurer of Salisbury district, all public monies by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VII. And be it further enacted by the authority aforesaid, that John Sevier, John Chessum, and Isaac Shelby, be and they are hereby appointed commissioners to run the said dividing lines between the counties of Washington and Sullivan, agreeable to the directions of this act; which said lines, when run by the commissioners, or a majority of them, shall be entered on record in the court of each of the said counties of Washington and Sullivan, and shall thereafter be held and deemed the dividing line of said counties.

VIII. And for reimbursing the said commissioners the money they shall expend in running the dividing lines between said counties, Be it enacted by the authority aforesaid, that a tax of six pence on every hundred pounds value of assessable property, and a poll tax of two shillings on every person

within said counties of Washington and Sullivan, not possessed of one hundred pounds taxable property, shall be levied on the inhabitants of said counties for the year seventeen hundred and eighty, and all persons who shall refuse or neglect to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the collectors of said counties are hereby required and directed to pay the monies by them so collected to the commissioners aforesaid, after deducting their lawful commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

IX. And be it further enacted by the authority aforesaid, that said commissioners shall account for the monies by them so received with the court of their county whenever called on, and shall be entitled to receive and apply to their own use so much thereof as said court shall think an adequate compensation for their trouble and expence; and the surplus, if any, shall in proportion to the respective sums collected be divided between the counties of Washington and Sullivan, and applied towards defraying the contingencies of said counties.

X. And be it further enacted, by the authority aforesaid, that all manner of suits, causes, pleas, and every species of controversy and litigation whatever, now commenced and depending in the county court of Washington, shall be proceeded on in said court to a final end and determination.

XI. And be it further enacted, that where any inhabitant of Sullivan county, hereby erected, already hath or shall make an entry for lands with the entry taker of Washington county, for which no warrant of survey shall be executed by the first day of January next, the entry taker for said county is hereby required to make out and direct the warrants for such surveys to the proper surveyor of Sullivan county.

XII. And be it also enacted, that for the future the county of Washington shall nominate only three freeholders to serve as jurors at the superior court for the district of Salisbury, and the county of Sullivan two freeholders to serve as jurors at said court; and the said county of Sullivan is hereby declared to be intitled to the like privileges and immunities as the other counties in this state.

XIII. And be it further enacted, by the authority aforesaid, that the commissioners herein appointed shall, jointly with Charles McDowall, extend the dividing line between the counties of Burke and Washington.

XIV. And to defray the expence thereof, Be it further enacted, by the authority aforesaid, that a poll tax of one shilling on every person in the said county of Burke not possessed of one hundred pounds taxable property, and a tax of three pence on every hundred pounds taxable property in said county, shall be levied on the inhabitants of said county for the year one thousand seven hundred and eighty, to be collected as the taxes in the Counties of Washington and Sullivan are directed to be collected; and the surplus, if any, shall be applied towards defraying the contingencies of the said county of Burke.

CHAPTER XXX.

An Act to lay off and establish a Town in Franklin County, on the land already purchased by Commissioners, at the place fixed for setting the Court House of said County, and for other purposes therein mentioned.

I. Whereas one hundred acres of land, at the place fixed for setting the court house of Franklin County, hath been purchased agreeable to Act of Assembly, passed at Halifax the twelfth day of February, one thousand seven hundred and seventy nine, intituled, An act for dividing Bute county into two distinct counties, and for other purposes therein mentioned; and representation being made to this assembly, that the inhabitants of said county believe it would be greatly to their advantage, as also to the benefit of traders and artificers, to have a town laid off and established by law on the aforesaid land:

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the said land, by the name of Lewisburg, and that Osborn Jeffreys, William Green, William Hill, William Brickell, and John Hunt, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court-house, prison and stocks, and also lay out one hundred other lots, each lot to contain one half acre, with convenient streets and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and number each lot therein, and take subscriptions for said lots of such persons as shall be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the number contained in the plan of said town: And the said commissioners, or a majority of them are hereby impowered to grant good and sufficient titles in fee simple for said lots, at the cost of the subscribers. Provided nevertheless, that every grantee, his heirs or assigns, of any lot in said town, so conveyed, shall within four years next after the conveyance erect, build and finish, on the said lot, one brick, stone, or well framed house, not less than fifteen feet square, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforesaid commissioners, or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of the said town. Provided that no one person shall be permitted to subscribe for more than six lots for his own use.

III. And be it further enacted, by the authority aforesaid, that each respective subscriber for any lot in said town, shall at the subscribing pay forty

dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the County Court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of the said monies into the hands of those commissioners, who, in obedience to the act of assembly before mentioned, did purchase the aforesaid land, and contract with workmen to build a court-house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforesaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. And be it further enacted, by the authority aforesaid, that in case of refusal, death, or removal out of the county, of any of the commissioners appointed by this or the aforementioned act, the survivors of them are hereby empowered and required to appoint, from time to time, by instruments of writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the aforementioned act, anything to the contrary notwithstanding.

CHAPTER XXXI.

An Act for Laying a Tax to Defray the Expense of the Public Building in the County of Nash.

I. Whereas the tax heretofore laid on the inhabitants of Nash county by Act of Assembly, for the purposes of defraying the expence of the public buildings of the said county, hath not been all collected, and is not sufficient to compleat the public buildings of the said county;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a tax of three shillings per hundred pounds be laid on all the taxable property which is liable to be assessed in the said county of Nash, and all taxable persons in the said county who are not possessed of one hundred pounds value, shall pay the sum of eight shillings, for two years, that is to say, for the year one thousand seven hundred and eighty, and for the year one thousand seven hundred and eighty one, and that the same shall be collected by the same persons, and in the same manner, as the public tax in the said county; the tax, when collected, shall be paid into the hands of the commissioners heretofore appointed by act of Assembly for fixing the court-house and erecting the public buildings in the said county of Nash; and on non-payment of the tax to be collected by virtue of this act from the collector or collectors, shall be liable to the same penalties as for other public taxes; and the said commissioners shall be intituled to the same mode of recovery against the said collectors, as the public treasurers are intituled to have against them on non-payment of public taxes.

III. And be it further enacted, by the authority aforesaid, that if the abovesaid tax is more than sufficient to defray the expence of the public buildings, the remainder shall be applied to defray the contingencies of the said county; and if the above said tax is not sufficient to defray the expence as aforesaid, it shall be paid out of the county tax.

IV. And whereas Edward Clinch, one of the commissioners heretofore appointed by Act of Assembly for fixing place for erecting the public buildings in the said county, is deceased; Be it therefore enacted, by the authority aforesaid, that Edward Moore, Esquire, shall be commissioned in the room of Edward Clinch, deceased.

CHAPTER XXXII.

An Act to confirm the Titles of lands to sundry of the Inhabitants of Duplin County.

I. Whereas sundry of the inhabitants within the county of Duplin have settled upon a certain tract of land in the said county, and have for twenty years past obtained patents for the same. And whereas a claim has been set up for part of said land by a certain Thomas Christie, of the kingdom of Ireland, and thereby said lands may be considered to come within the meaning of the confiscation act, to the great prejudice of the owners thereof;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all such patents that have been granted and obtained before the declaration of independence by the United States shall be, and are hereby declared to be good and valid, to all intents and purposes; and the said owners and proprietors of the said patents shall have, hold, use, exercise and enjoy, all and singular the said lands contained within the said patents, in as full and ample a manner, as if the said land had never been claimed by said Thomas Christie; any law, usage or custom, to the contrary, notwithstanding.

CHAPTER XXXIII.

An Act to Establish a town in the County of Surry, heretofore laid out on the lands of John Armstrong and William Sheppard, at the Court House of said County, and for other purposes.

I. Whereas the establishment of a town, heretofore laid out at the courthouse in Surry county, agreeable to a plan thereof made by Col. Martin Armstrong, upon the lands aforesaid, would be very beneficial to the western inhabitants of this state, by promoting an inland trade:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that one hundred acres of land, the property of said Armstrong and Sheppard, be laid off and established by the name of Richmond, and that Martin Armstrong, Samuel Cummings, John Sneed, Malcolm Curry, and Job Martin, from and after the passing of this act, be, and are hereby appointed and constituted commissioners and trustees for laying out, building, and regulating the said town; and they, or a majority of them, so soon as may be after the passing of this act, shall cause the said land to be laid out into lots of one hundred and forty four square poles each with convenient squares and streets, according to the plan thereof made heretofore as aforesaid, and shall have full power to convey the same, and grant a title to the said lots in fee simple, to any person who have been or shall become a purchaser thereof, upon his performing the requisites in this act herein after required: And every grantee, his heirs or assigns, of any lot in the said town, shall within five

years next after the date of the conveyance of the same erect, build and finish, on the said lot, one brick, stone, or well framed house, of the dimensions of twenty feet long and sixteen feet wide, and ten feet pitch in the clear at least, with one good brick or stone chimney; and if the owner of any lot shall fail to comply with the directions herein prescribed for finishing a house thereon, then such lot upon which such house shall not be built and finished as aforesaid, shall be vested in the said commissioners or trustees, and they, or a majority of them, shall, and are hereby authorized to sell, on public notice first given, such lot to the highest bidder, to whom shall be granted and conveyed such lot, under the like regulations and restrictions as the same was before granted; and the money arising from such sale shall be applied by the trustees aforesaid, or a majority of them, for the benefit and improvement of the said town.

III. And be it further enacted, that each respective purchaser of any lot in the said town shall, previous to the receiving of a grant for any lot by them purchased, pay into the hands of the proprietors of said land the sum of twenty pounds, at the time that the said proprietor shall relinquish his title to the same, and also twenty shillings per lot to the said commissioners, for defraying the contingent charges for their laying off said town according to this Act.

IV. And be it further enacted, by the authority aforesaid, that in case of the death, refusal to act, or removal out of the said county of any of the commissioners, the surviving commissioners and trustees, or a majority of them, shall, and are hereby empowered to appoint, from time to time, by instrument in writing under their hands and seals, some other person, being a freeholder in the said town and county, in the place of him so refusing to act, dying or removing out of the said county, which said instrument of writing shall be recorded in the county court, and registered in the register's office; which new trustee so appointed, shall thenceforth have the like power and authority in all matters and things herein contained, as if he had been expressly mentioned in this act.

V. And be it further enacted, by the authority aforesaid, that all and every person or persons who have heretofore purchased any lot or lots in the said town from the said John Armstrong and William Sheppard, and have paid for the same, or their heirs or assigns, shall be entitled to receive, and to obtain from the commissioners aforesaid, a deed for such lot or lots, in preference of all persons whatsoever.

VI. And whereas the present allowance to gaolers for victualling prisoners is far inadequate to their expence and trouble, owing to the rapid rise of every article of provisions: Be it therefore enacted, by the authority aforesaid, that from and after the passing of this Act each and every gaoler in this State shall be entitled to receive the sum of twenty four shillings per day for each person he may have in his gaol or custody; any law to the contrary, notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that all and every Act which comes within the purview and meaning of this act, is hereby repealed, and made null and void, to all intents and purposes.

CHAPTER XXXIV.

An Act for building a Court-House in Elizabeth Town, in the County of Bladen.

I. Whereas the Commissioners heretofore appointed by an Act of Assembly, passed at Newbern one thousand seven hundred and seventy eight, for building a court house in said town, have refused to act;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Thomas Brown, Thomas Owen, and James Clardy, be and are hereby appointed Commissioners for the purpose aforesaid, and that they, or a majority of them, are hereby authorized and empowered to agree and contract with workmen for building a court house for the use of said county, on a lot in Elizabeth Town laid off for that purpose; and if any of the commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining commissioners shall appoint another commissioner or commissioners in the room or stead of such commissioner or commissioners so removing, dying, or refusing to act; and the commissioners so appointed shall have the same powers as the commissioners appointed by this Act.

III. And be it further enacted, by the authority aforesaid, that the said commissioners herein named, or a majority of them, shall have full power and authority to demand, sue for, recover and receive, off and from the late sheriffs and commissioners of said county, or any other person in whose hands the same may be, all and every sum or sums which has been laid as a tax or taxes on the inhabitants for the purpose aforesaid, and other public buildings, for which the sheriff or other person, or any of them, are liable; and in case of failure or neglect in paying the said money to the commissioners herein named by the said sheriff or other person, or any of them, he or they so failing or neglecting shall be liable to the same penalties, and the same mode of recovery may be had against him or them as by law should or might have been had against sheriffs who neglect or refuse to account for and pay public taxes.

IV. And be it further enacted, by the authority aforesaid, that an act intitled, An act for building a court-house in Elizabeth town, in the county of Bladen, passed at Newbern one thousand seven hundred and seventy eight, be, and is hereby repealed.

CHAPTER XXXV.

An Act for erecting a town on the lands of Thomas Hunter, at Squhawky, in Martin County.

I. Whereas it hath been represented to this Assembly that the land of Thomas Hunter, on the south side of Roanoke river known by the name of Squhawky, in Martin county, is a healthy pleasant situation and very conveniently situated for trade and commerce, and the said Thomas Hunter having signified his consent to have seventy-eight acres of the land laid off for a town, which will greatly promote the trade and navigation of the said river.

II. Be it enacted by the general Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said seventy-eight acres of land, beginning at the north side of a branch, thence running north, fifty nine degrees west, eighty seven poles, to a stake, thence north, fifty five degrees east, one hundred and eighty poles, to a red oak, then south, fifty degrees east, thirty eight poles, into the aforesaid branch, then

up the various courses of the said branch to the first station, laid off in lots and streets according to a plan before this assembly, be and the same is hereby constituted and established a town, and shall be called by the name of Williamston.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, Samuel Williams, Thomas Hunter, Samuel Smithwick, William Slade, Edward Smithwick and John Griffin, gentlemen, be, and they and every of them are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy eight acres of land as aforesaid, to and for the uses, intents and purposes, hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary. And whereas subscriptions have been made for the greatest part of the lots in the said town,

IV. Be it enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall appoint a time, and give public notice thereof, for meeting the subscribers of the said land for determining the property of each particular lot, which shall be drawn by ballot, in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots contained in the said town to the respective subscribers, for the same, their heirs and assigns for ever, and also to all and every person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

V. Provided nevertheless, That the grantee or grantees of any lot or lots in the said town so conveyed, shall within five years next after the date of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed or brick house, fourteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee or grantees shall have two or more lots contiguous, or shall make any other improvements on the said lot or lots which the said commissioners shall judge equivalent thereto: And if the owner of any lot or lots in the said town shall fail to pursue the directions by this act prescribed for building and finishing a house, or making some other improvement thereon, as aforesaid, then such lot or lots upon which such house shall not be built and finished, or such improvement not made, shall be revested in the said commissioners, and the said commissioners, or the majority of them may, and are hereby empowered and authorized, to sell such lots for the best price that may be had, to any other person or persons applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not before been sold or granted.

VI. And be it further enacted, by the authority aforesaid, that the respective subscribers for the said lots shall within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of

forty pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same, in their own names, and therein shall recover judgment, with cost.

VII. And be it further enacted, that all monies that shall arise from or by the disposal of such lot as may not be built on or improved agreeable to the directions of this act, within the time therein limited for that purpose, shall be paid to the said commissioners, or their successors, and by them applied to the use of the said town, for clearing the streets, erecting such public buildings, or making such other improvements in the said town, as the said commissioners, or a majority of them, shall think necessary.

VIII. And for continuing the succession of the said commissioners, Be it enacted, that in case of death, refusal to act, or removal out of the country, of any of the said commissioners, the surviving or other commissioners, or the majority of them shall assemble, and shall from time to time, by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matters herein contained, as if he had been expressly nominated and appointed by this act.

CHAPTER XXXVI.

An Act to Establish and Lay Out a Town in Washington County.

I. Whereas one hundred acres of land at the place fixed for erecting the court house and public buildings of Washington county hath already been purchased by the commissioners appointed by law to affix the court house of Washington county for the purpose of erecting a town thereon, and representation being made to this present general assembly that the inhabitants of said county would be greatly benefitted thereby, also to traders and artificers to have a town laid off and established by law on said land:

II. Be it therefore enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the land purchased for the use of the County of Washington by the name of Jonesborough, and that John Woods, Jesse Walton, George Russell, James Stuart and Benjamin Clark, be commissioners to lay out and direct the buildings of the said town of Jonesborough; and that the commissioners, or a majority of them, as soon as may be after the passing of this act, do set apart a lot of ground convenient and sufficient for the public buildings in said town, and also lay out fifty other lots to contain one acre each, with convenient squares and streets, and the overplus of said land, if any, to remain as common to the use of the said town until it shall by law be appropriated to other use; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make or cause to be made, a fair plan of said town, and number the lots, and take subscriptions for said lots of such persons as may be willing to subscribe for the same, and when the whole number of lots shall be subscribed for, the commissioners aforesaid shall give public notice and appoint a day for drawing said lots, which shall be done by ballot in a fair and open manner by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him corresponding with the number contained in the plan of said town, and the said commissioners,

or a majority of them are hereby empowered to grant good and sufficient titles in fee simple for the said lots at the cost of the subscribers. Provided, nevertheless, every grantee, his heirs, or assigns, of any lot in the said town so conveyed, shall within three years after such conveyance, erect, build and finish, on the said lot, one brick, stone or well framed house, twenty feet long and sixteen feet wide, and at least ten feet in the pitch, with a brick or stone chimney, or in proportion to such dimensions, if any person shall hold two or more lots adjacent, and if the owner of any lot or lots shall fail to build and finish thereon as before described, then such lot or lots, shall be forfeited, and the aforesaid commissioners, or a majority of them, are hereby authorized to sell (on public notice first given) such lot or lots to the highest bidder under the like regulations as the same was before granted, and the money arising therefrom shall be applied by the commissioners, or a majority of them, for the benefit and improvement of said town.

III. And be it further enacted by the authority aforesaid, That each respective subscriber for any lot in the said town shall, at the subscribing for the said lots, pay seventy five dollars for each and every lot into the hands of the said commissioners, or any one of them as they shall appoint, who after deducting such part of those monies as the court shall adjudge a reasonable compensation for their troubles, are hereby directed and required within three months after the lots are drawn for, to pay the remainder of all said monies into the hands of the aforesaid commissioners, who shall account with their respective county court, who shall apply all the aforesaid money towards defraying the county contingent tax.

CHAPTER XXXVII.

An Act to vest the property of a bridge lately built by Samuel Ruffin, deceased, over Great-Contentney Creek, in Etheldred Ruffin. his heirs or assigns for twenty years.

I. Whereas representation hath been made to the general assembly, that Samuel Ruffin, late of Edgecomb county, deceased, did at a considerable expense, erect and finish a good and substantial bridge across Contentney Creek at a place generally known by the name of Peacocks bridge, with a view of reimbursing himself therefor by receiving the then accustomed toll from travellers and others, which an Act of the General Assembly since passed, has prevented; much to the injury of the said Ruffin;

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall and may be lawful for Etheldred Ruffin, heir to the said Samuel, his heirs or assigns, to receive from all travellers and others passing the said bridge, the respective sums which shall from time to time be allowed by the court of Dobbs for travellers and others passing ferries in said County, and to keep a gate on said bridge. Provided nevertheless, That all persons, carriages, &c. when in actual military service of this or the United States, or expresses for the same, shall pass said bridge toll free, such persons making it appear to the owner of the said bridge they are in the service abovementioned.

III. And be it further enacted by the authority of the same, That during the time the bridge shall be kept up and in repair, fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek, for fee or

reward, within five miles of said bridge during the time aforesaid, under the penalty of two pounds, to be recovered by the owner of said bridge, before any jurisdiction having cognizance thereof, and applied to his or their own use during the said time the right and property of the said bridge is hereby invested in the said Etheldred Ruffin, his heirs and assigns.

IV. And be it further enacted, That an act of the general assembly passed at Newbern the second day of May, 1778, intituled, an act for appointing commissioners to build a bridge across Contentney creek, and for other purposes, be and the same is hereby repealed, and made null and void.

V. Be it further enacted, That the said Etheldred Ruffin, his heirs or assigns, shall not, during the said time, fall or cause to be fallen any tree in the ford at or near where the said bridge now stands, or otherwise stop or obstruct the same, so as to prevent travellers and others fording the creek thereat, under the penalty of one hundred pounds for each and every offense, to be recovered by any person who shall sue for the same, before any jurisdiction having cognizance thereof, and applied to his or their own use.

VI. And be it further enacted, That this act shall continue and be in force for and during the term of twenty years, and from thence to the end of the next session of assembly, and no longer.

CHAPTER XXXVIII.

An Act for granting a free pardon to Charles Shearing, now under sentence of Death

I. Whereas Charles Shearing, lately an inhabitant of Chatham county, was convicted at the superior court of the district of Hillsborough, in October term instant for feloniously stealing a horse, for which he was condemned to die; and whereas full and sufficient testimony has appeared to this assembly that the said Charles Shearing has heretofore behaved himself as a good and faithful subject, and a recommendation of mercy in favor of the said Charles Shearing being presented to this assembly by the judges of the said Superior Court for the District of Hillsborough.

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said Charles Shearing be, and he is hereby freely and fully forever pardoned of the crime for which he was so convicted and sentenced to die; and that he be discharged from all further confinement touching the said condemnation, on paying the lawful fees.

CHAPTER XXXIX.

An Act for annexing part of Carteret to Jones, and other purposes.

I. Whereas the upper part of Carteret which lies adjoining Jones County is much more convenient to the public buildings of said county than to those of Carteret:

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That all that part of the said County of Carteret beginning in Jones county line in the head of Black Swamp, thence running down the meanders of said swamp to White Oak River, then up the various courses of said river to the head, thence a direct line to Jones county line, that all that part on the north side of said White Oak river and west of the aforesaid swamp shall, from and after the

passing of this act, be held and deemed part of the county of Jones, and the inhabitants thereof shall be under the same rules and restrictions as the other inhabitants of Jones county are. Provided nevertheless, that nothing herein contained shall be construed to debar any sheriff, collector or tax-gatherer, from collecting his or their taxes in the same manner as if this act had never been made.

III. And whereas some of the inhabitants of Carteret county, which by this act is annexed to Jones, may have entered land in the entry office of Carteret: Be it therefore enacted by the authority aforesaid, That where any persons shall have entered land as aforesaid, the entry taker of the county of Carteret is hereby empowered and directed to make out warrants and orders of survey and direct them to the surveyor of Jones county, which said surveyor is hereby ordered and impowered to survey said land, take the same fees, and make the same transmittance thereof, as if the same had been entered in the entry office of Jones.

IV. And whereas the time at present appointed for holding the county court of pleas and quarter sessions for the county of Jones have in many instances and respects been found inconvenient: Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, the said County Courts of Jones shall be hereafter held constantly on the fourth Mondays in March, June, September and December, in each and every year, and all proceedings now depending in the County Court of Jones undetermined, or returnable to the said Court on the third Monday of December next, shall be returnable to the fourth Monday in December next, and shall be deemed legal and sufficient to all intents and purposes in the same manner as if they had been returned on the third Monday in December next; and the sheriff of Jones county is hereby directed to advertise at every public place in the county of Jones, immediately after the passing of this act, to notify the persons summoned as jurymen and witnesses to attend on the fourth Monday of December next instead of the third Monday, and shall be deemed legal and sufficient to all intents and purposes, any law, usage or custom, to the contrary notwithstanding.

CHAPTER XL.

An Act to prevent the stopping of Fish in the Uharie River.

I. Whereas divers persons inhabitants near the said river have heretofore made a practice of stopping the same by building wares, dams or hedges, with design to catch fish, whereby great injury is done to the good people resident above such wares, dams or hedges aforesaid: For remedy whereof,

II. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any ware, dam or hedge, in the said river, so as to extend more than two thirds across the same, but that all stoppages shall be so made in the said river as to leave one third part open and free for the passage of fish.

III. And be it further enacted by the authority aforesaid, That any person or persons who shall offend against this act, shall forfeit and pay for every such offense, the sum of one thousand pounds, to be recovered by action of debt by any person who shall sue for the same to his, her or their own proper use.

CHAPTER XLI.

An Act to enable John Norwood, surviving executor of the last Will and Testament of Henry Bradley, deceased, to sell and convey the land of the said deceased.

I. Whereas Henry Bradley, deceased, (of Halifax county) in the year one thousand seven hundred and sixty four, did appoint John Norwood and Jennings Hackney executors of his last will and testament, and did invest the said executors with power jointly to sell and convey his lands, and by his said will direct the manner and uses to which the money arising by such sale should be appropriated; and whereas Jennings Hackney, one of the said executors did decease before the aforesaid lands were sold, which circumstance makes it doubtful whether the surviving executor has legal power to sell and convey the aforesaid lands: Therefore,

II. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, be, and is hereby authorized and empowered to enter upon, sell and convey, the lands of the aforesaid deceased, and the said executor, after deducting so much of the money arising by such sale as the county court of Halifax shall adjudge a reasonable compensation for his disbursements, shall pay and appropriate all the remainder of said money to such uses as the last will and testament of the aforesaid deceased doth direct.

Read three times, and ratified in General Assembly, the tenth day of November, 1779.

ABNER NASH, S. S.

THOMAS BENBURY, S. C.